



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, July 13, 2022

11:05 AM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

M. Hicks (Chair), G. Holman (Vice-Chair), P. Brent, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. Territorial Acknowledgement

2. Approval of Agenda

3. Adoption of Minutes

3.1. [22-446](#) Minutes of the June 8, 2022 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Electoral Areas Committee meeting of June 8, 2022 be adopted as circulated.

Attachments: [Minutes - June 8, 2022](#)

4. Chair's Remarks

5. Presentations/Delegations

5.1. [22-448](#) Presentation: Captain Shri Madiwal, Vancouver Fraser Port Authority re: Port Optimization Initiatives/Active Vessel Traffic Management

Attachments: [Presentation: Port Optimization & Active Vessel Trffc Mngmnt](#)

6. Committee Business

6.1. [22-431](#) Appointment of Officers

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board: That for the purpose of Section 233 of the Local Government Act and Section 28(3) of the Offence Act and in accordance with Capital Regional District Bylaw No. 2681, Jake Werrun, Simranjeet Singh, Attila Farkas, Zoey Westle, Lexus Simpson, Sean Ahara, Ethan Stewart, Sean Blacquiere, Mike Neumann, Branden Cameron, Inderpal Sran be appointed as an Assistant Bylaw Officer.
(NWA)

Attachments: [Staff Report: Appointment of Officers](#)

6.2. [22-424](#) Speculation and Vacancy Tax

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: Speculation and Vacancy Tax](#)
 [Appendix A: Staff Report Regulation of Vacation Rentals on the SGIs and SSI](#)

6.3. [22-465](#) Salt Spring Island Establishment of Local Community Commission

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board that:

1. Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", be introduced and read a first, second, and third time;
2. That CRD staff be directed to implement the elector approval process by way of referendum;
3. That Kristen Morley be appointed Chief Election Officer with the power to appoint one or more Deputy Chief Election Officer(s);
4. That the wording of the referendum question for the purposes of the ballot shall be as follows:
Are you in favour of the Capital Regional District (CRD) Board adopting Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", authorizing the establishment of a local community commission for the Salt Spring Island Electoral Area, to be comprised of four elected commissioners and the Electoral Area Director, to oversee and advise on economic development, wastewater disposal, community parks and recreation, small craft harbour facilities, transit and transportation, street lighting, grants-in-aid, compensation for livestock injured by dogs, and the contribution services for arts, public library, and search and rescue?
YES or NO?
5. That general voting be held on Saturday, October 15, 2022, with Advance Voting opportunities held on dates and voting places to be determined by the Chief Election Officer;
6. That the synopsis of Bylaw No. 4507, attached as Appendix B, be approved for advertising purposes.
7. That Bylaw No. 4508, "Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022", be introduced and read a first, second, and third time.
(NWA)

Attachments: [Staff Report: SSI Local Community Commission](#)
 [Appendix A: Bylaw No. 4507 - LCC Establishment](#)
 [Appendix B: Synopsis of Bylaw No. 4507](#)
 [Appendix C: Bylaw No. 4508 - LCC Delegation](#)

6.4. [22-445](#) Upgrade of Cooling System for the Salt Spring Island Public Library

Recommendation: The Electoral Areas Committee recommends the Capital Regional District Board: That the Salt Spring Island Library Service 2022 Capital Plan to be amended to increase the Cooling System Upgrade Project budget from \$102,500 to \$195,150. The additional budget of \$92,650 is to be funded from Community Work Fund (\$60,000) and the service Capital Reserve Fund (\$32,650).
(WA)

Attachments: [Staff Report: Upgrade of Cooling System SSI Library](#)

6.5. [22-416](#) Previous Minutes of Other CRD Committees and Commissions for Information

Recommendation: There is no recommendation. The following minutes are for information only:
a) Lyall Harbour Boot Cove Water Local Service Committee minutes of February 24, 2022
b) Magic Lake Estates Water and Sewer Committee minutes of May 10, 2022
c) Mayne Island Parks and Recreation Commission minutes of May 12, 2022

Attachments: [Minutes: Lyall Hrbr Boot Cove Water Lc'l Sve Cttee-Feb 24, 2022](#)
 [Minutes: MLE Water and Sewer Cttee-May 10, 2022](#)
 [Minutes: Mayne Island Parks & Rec Commission-May 12 2022](#)

7. Notice(s) of Motion

7.1. [22-462](#) Motion with Notice: Wood Burning Appliance Operation in Electoral Areas (Director Holman)

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board: That staff provide a report regarding CRD or CRHD legal authority to regulate wood burning appliance operation in electoral areas.
(NWA)

8. New Business

9. Adjournment

The next meeting is August 10, 2022.

To ensure quorum, please advise Tamara Pillipow (tpillipow@crd.bc.ca) if you or your alternate cannot attend.

Meeting Minutes

Electoral Areas Committee

Wednesday, June 8, 2022

11:05 AM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

PRESENT

Directors: M. Hicks (Chair), G. Holman (Vice-Chair), P. Brent

Staff: R. Lapham, Chief Administrative Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; S. Henderson, Senior Manager, Real Estate and Southern Gulf Islands Administration; D. Ovington, Manager, Salt Spring Island Administration (EP); J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

Guest: Director R. Mersereau

Regrets: Director: C. Plant

The meeting was called to order at 11:10 am.

1. Territorial Acknowledgement

Chair Hicks provided a Territorial Acknowledgement.

2. Approval of Agenda

MOVED by Director Holman, **SECONDED** by Alternate Director Brent,
That Director Mersereau be allowed to participate without vote in the June 8,
2022 Electoral Areas Committee meeting.
CARRIED

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the agenda for the June 8, 2022 Electoral Areas Committee meeting be
approved.
CARRIED

3. Adoption of Minutes

3.1. [22-379](#) Minutes of the May 11, 2022 Electoral Areas Committee Meeting

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the minutes of the Electoral Areas Committee meeting of May 11, 2022 be
adopted as circulated.

CARRIED

4. Chair's Remarks

There were no Chair's remarks.

5. Presentations/Delegations

There were no presentations or delegations.

6. Committee Business

6.1. [22-354](#) Electoral Areas Water Conservation Bylaw No. 1, 2022 (Bylaw No. 4492)

T. Robbins spoke to Item 6.1.

Discussion ensued on the following:

- the differing levels of annual rainfall within the electoral areas
- exercising discretion when determining the escalation of water restrictions beyond Level 1

MOVED by Director Holman, **SECONDED** by Alternate Director Brent,
That CRD Bylaws No. 4492 and 4499 be referred back to staff for additional
information and referred to the water commissions.

CARRIED

6.2. [22-382](#) Southern Gulf Islands Transportation Integration Plan

J. Starke spoke to Item 6.2.

There was no recommendation. This report was for information only.

6.3. [22-383](#)

Bylaw 4484: Service Establishment for the Southern Gulf Islands Transportation Service

J. Starke spoke to Item 6.3.

MOVED by Alternate Director Brent, SECONDED by Director Holman, The Electoral Areas Committee recommends to the Capital Regional District Board that:

- 1. Bylaw No. 4484, "Southern Gulf Islands Transportation Service Establishing Bylaw No. 1, 2022", be introduced and read a first, second, and third time;**
- 2. That staff be directed to implement the elector approval process by way of referendum;**
- 3. That Kristen Morley be appointed Chief Election Officer with the power to appoint one or more Deputy Chief Election Officer(s);**
- 4. That the wording of the referendum question for the purposes of the ballot shall be as follows:**

Are you in favour of the Capital Regional District (CRD) Board adopting Bylaw No. 4484, "Southern Gulf Islands Transportation Service Establishing Bylaw No. 1, 2022" authorizing the CRD to establish an integrated transportation service for the Southern Gulf Islands Electoral Area to raise a maximum annual requisition up to the greater of SIX HUNDRED AND SEVENTY FIVE THOUSAND DOLLARS (\$675,000) or \$0.1414 per ONE THOUSAND DOLLARS (\$1,000.00) of taxable land and improvements for the purpose of funding the operating costs of the service. YES or NO?

- 5. That general voting be held on Saturday, October 15, 2022 in concurrence with the General Local Election, with Advance voting opportunities held on dates and voting places to be determined by the Chief Election Officer;**
- 6. That the synopsis of Bylaw No. 4484, attached as Appendix B, be approved for advertising purposes.**

CARRIED

6.4. [22-331](#)

Previous Minutes of Other CRD Committees and Commissions for Information

There was no recommendation. This was for information only.

6.5. [22-391](#)

Complete the Beddis Water Intake Project

B. Lapham spoke to Item 6.5.

MOVED by Director Holman, SECONDED by Alternate Director Brent, That the Electoral Areas Committee recommends to the Capital Regional District Board:

That the 2022 Five Year Financial Plan be amended to transfer \$32,725 from the Beddis Capital Reserve Fund so that detailed engineering and design can be completed for both the offshore and onshore portions.

CARRIED

7. Notice(s) of Motion

7.1. Notice of Motion: Wood Burning Appliance Operation in Electoral Areas (Director Holman)

Director Holman provided the following Notice of Motion:

"That staff provide a report regarding CRD or CRHD legal authority to regulate wood burning appliance operation in electoral areas."

7.2. Notice of Motion: Lady Minto Hospital Emergency Room Cost Overrun (Director Holman)

Director Holman provided the following Notice of Motion to be considered at the Hospitals and Housing Committee and CRHD meetings in July:

"That the CRHD contribute 30% of the unforeseen cost overrun for the new Lady Minto Hospital Emergency Room."

8. New Business

There was no new business.

9. Adjournment

**MOVED by Alternate Director Brent, SECONDED by Director Holman,
That the June 8, 2022 Electoral Areas Committee meeting be adjourned at 11:36
am.**

CARRIED

CHAIR

RECORDER



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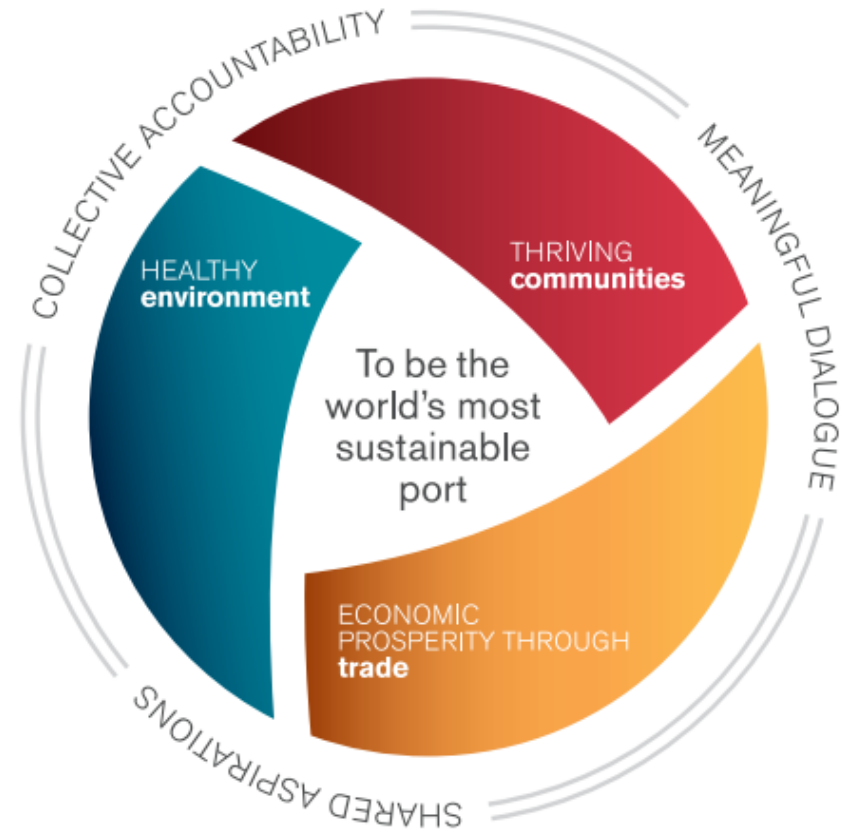
Vancouver Fraser
Port Authority

Port optimization initiatives/Active Vessel Traffic Management

Spring/summer 2022 Local Government briefings:
Early engagement results and planned next steps

Our vision

The Vancouver Fraser Port Authority (VFPA) vision is – *to be the world's most sustainable port.*



www.portvancouver.com/about-us/sustainability/

Our role in the Southern Gulf Islands

Port authority

- Manage vessel traffic and anchorages within the Port of Vancouver
- Assign anchorages in accordance with the Interim protocol
- Coordinate with vessels in response to Indigenous, local government and community concerns

Transport Canada

- Decisions regarding Canadian trade
- Designate anchorages outside of the Port of Vancouver

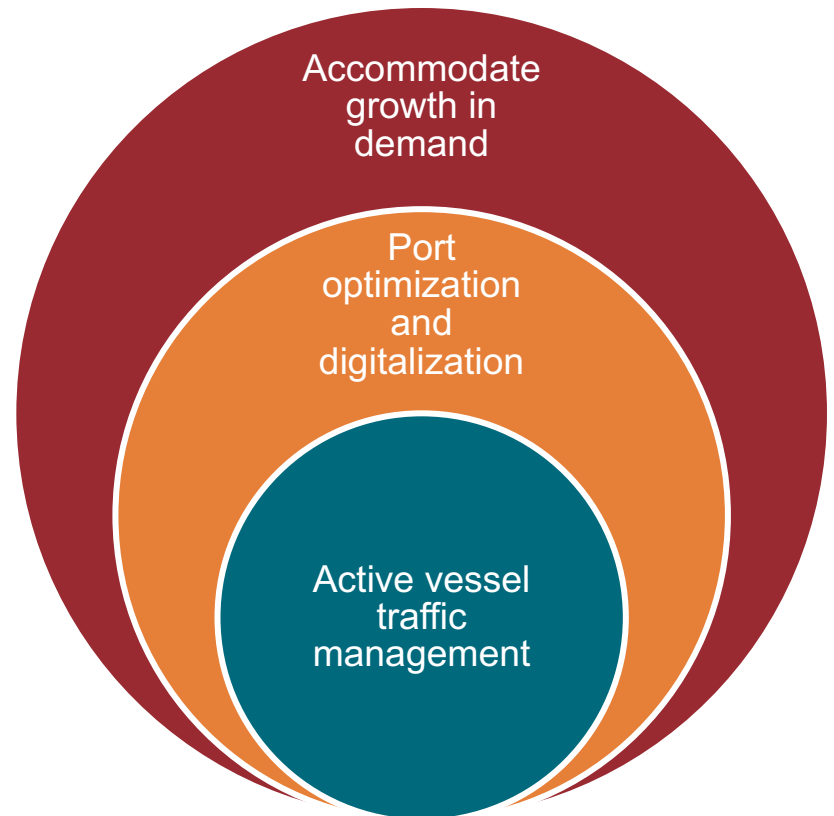
Coast Guard

- Provide MCTS and emergency response

Port optimization initiatives

Purpose:

- Increase efficiency
- Help better manage the effects of marine vessel traffic on local communities



AVTM Engagement Plan



Listen and learn
Inform scope, understand Indigenous and community interests and concerns, identify engagement formats and timing



Inform and engage
Educate, discuss constraints, explore options



Decide and engage
Share draft plans and how engagement input was considered, invite feedback



Ongoing feedback
Share results of new AVTM, invite input/feedback on other initiatives

	LISTEN AND LEARN		INFORM AND ENGAGE		DECIDE AND ENGAGE		ONGOING FEEDBACK
Target timing	2021	Winter 2022	Spring 2022	Summer 2022	Fall 2022	Winter 2023	Spring 2023 >>
Industry (<i>collaborate</i>)		●		●	●		→
Indigenous groups (<i>involve</i>)		●					→
Local governments (<i>consult</i>)		● ●	●		●		● →
Community stakeholders (<i>inform/consult</i>)		● ●	●	●	●	●	● →



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vancouver

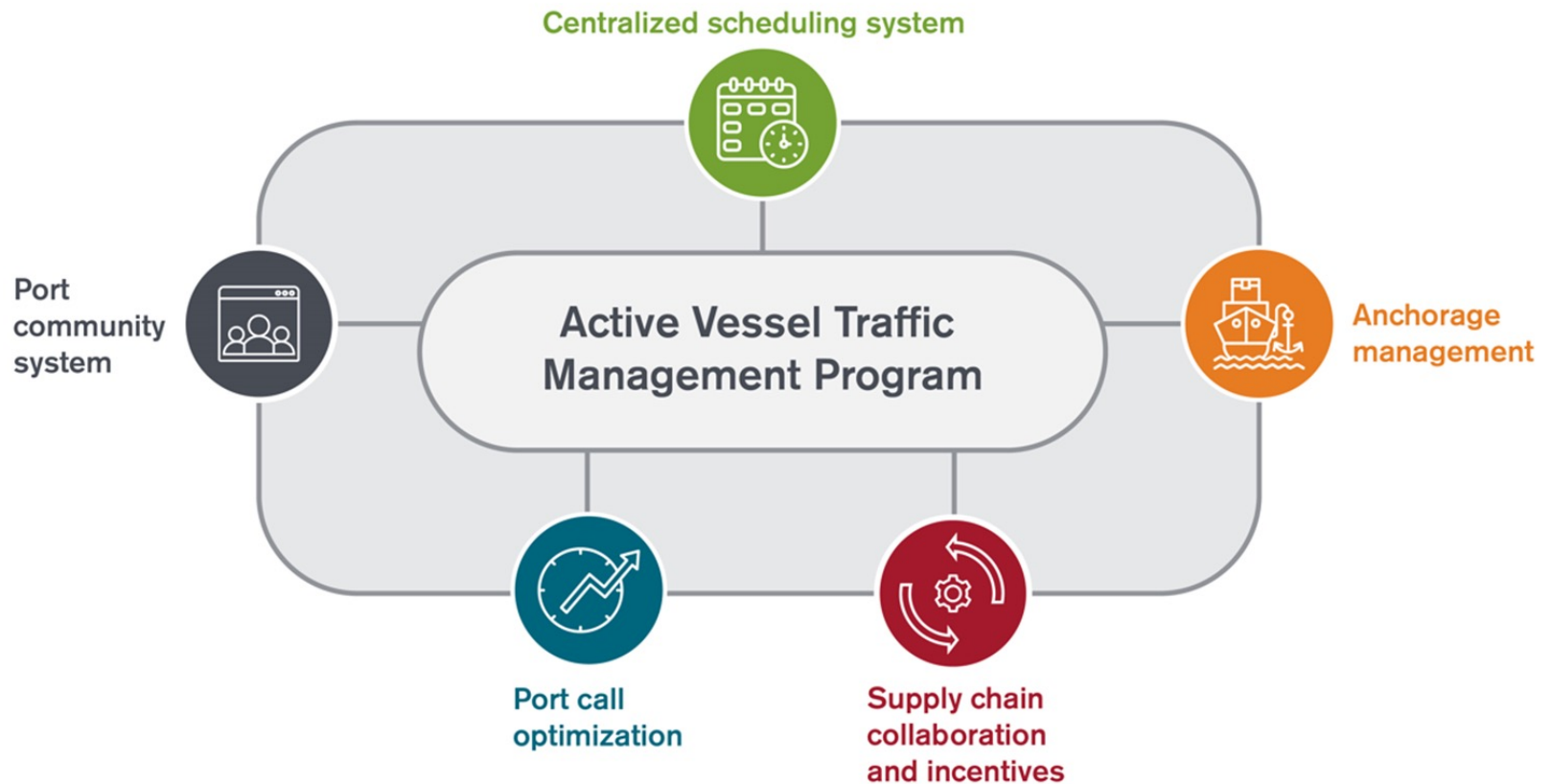
Vancouver Fraser
Port Authority

Early engagement: what we heard

- Need for clarity of jurisdiction and governance including:
 - How anchorage locations were selected
 - Role of Indigenous groups in decision making
- Appreciation for trade and desire for improved efficiency; questions about intended outcomes
- Concerns about potential environmental and health impacts of anchorages; desire to protect special places
- Interest in code of conduct for vessels
- Polarized opinions about “solutions”
- Suggestion to create common understanding through outreach in advance of engagement including clarifying purpose and scope
- Desire for combination of online and in-person meetings

Potential improvements we are exploring

AVTM program elements



Next steps

- **Listen and learn**

July/August 2022

- Launch engagement site
- Online information sessions

- **Inform and engage**

September 2022

- Report back on what we heard
- Invite feedback on potential changes:
 - How anchorages are assigned
 - Minimizing noise, light and air quality effects
 - Understanding environmental impacts
 - Enhancing port efficiency and vessel safety
 - Information sharing and complaint resolution

Intended benefits



Strengthen marine safety



Reduce environmental impacts



Reduce social impacts



Make the movement of goods more efficient and reliable



Maintain port competitiveness



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Thank you

For more information:

- portvancouver.com/marine-operations/avtm

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JULY 13, 2022**

SUBJECT **Appointment of Officers**

ISSUE SUMMARY

This report is to update bylaw enforcement appointments to reflect staff changes in the Capital Regional District Bylaw and Animal Care Services Division.

BACKGROUND

Pursuant to Section 233 of the *Local Government Act* and Section 28(3) of the *Offence Act* and in accordance with Capital Regional District Bylaw No. 2681, the Electoral Areas Committee must from time to time make resolutions for persons in new positions.

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board:

That for the purpose of Section 233 of the *Local Government Act* and Section 28(3) of the *Offence Act* and in accordance with Capital Regional District Bylaw No. 2681, Jake Werrun, Simranjeet Singh, Attila Farkas, Zoey Westle, Lexus Simpson, Sean Ahara, Ethan Stewart, Sean Blacquiére, Mike Neumann, Branden Cameron, Inderpal Sran be appointed as an Assistant Bylaw Officer.

Alternative 2

That the Appointment of Officers report be referred back to staff for further information based on Committee direction.

IMPLICATIONS

Service Delivery Implications

These appointments ensure consistent bylaw enforcement in the Capital Regional District Bylaw and Animal Care Services Division.

CONCLUSION

The bylaw enforcement appointments reflect staff changes in the Capital Regional District Bylaw and Animal Care Services Division.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board:

That for the purpose of Section 233 of the *Local Government Act* and Section 28(3) of the *Offence Act* and in accordance with Capital Regional District Bylaw No. 2681, Jake Werrun, Simranjeet Singh, Attila Farkas, Zoey Westle, Lexus Simpson, Sean Ahara, Ethan Stewart, Sean Blacquiére, Mike Neumann, Branden Cameron, Inderpal Sran be appointed as an Assistant Bylaw Officer.

Submitted by:	Shawn Carby, CD, BHSc, MAL, Senior Manager Protective Services
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JULY 13, 2022**

SUBJECT **Speculation and Vacancy Tax**

ISSUE SUMMARY

To consider the financial impacts of business licenses, and the costs and benefits of the speculation and vacancy tax (SVT) as applied to Salt Spring Island (SSI).

BACKGROUND

At the February 9, 2022 meeting, the Electoral Areas Committee received a report on the regulation of vacation rentals on the Southern Gulf Islands and SSI, attached at Appendix A. At the meeting, the following motion arising was passed:

That staff prepare a report on the financial impacts of business licenses on Salt Spring Island and Southern Gulf Islands, and the costs and benefits of the speculation and vacancy tax as applied to Salt Spring Island.

Both SGI and SSI are currently exempt from the provincial SVT. The report provided information on the regulatory tools available to local governments to regulate vacation rentals in residential zones by way of zoning bylaws, temporary use permits, and business licensing, all of which can be enforced by ticketing, fines, or court-issued injunction.

ALTERNATIVES

Alternative 1:

There is no recommendation. This report is for information only.

Alternative 2:

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the Capital Regional District Board request the Province to include Salt Spring Island in the Speculation and Vacancy Tax specified area to address the problem of electoral area rental and housing affordability.

IMPLICATIONS

Speculation and Vacancy Tax

Between 2018 and 2020, the Province collected \$231M in revenue from the SVT and the Capital Regional District accounted for 8% of the revenue.

SVT Revenue by Region: 2018 – 2020 (millions)¹					
Regional District	2018	2019	2020	Total	Revenue by RD (%)
Capital	\$4.3	\$7.4	\$7.2	\$18.9	8
Central Okanagan	\$3.5	\$4.7	\$4.6	\$12.8	6
Fraser Valley	\$0.6	\$1.1	\$2.2	\$3.9	2
Metro Vancouver	\$55.7	\$71.8	\$65.5	\$193.0	84
Nanaimo	\$0.6	\$0.8	\$1.1	\$2.5	1
Total	\$64.7	\$85.8	\$80.6	\$231.1	100

There was a decline in revenue in 2020 which was attributed to property owners subject to the tax having sold their properties or changed their behaviour to qualify for an exemption¹.

Property owners for the purpose of SVT are classified as BC Resident, Other Canadian, Satellite Families, Foreign Owner, and Other. Revenue from the classifications are broken down as follows:

STV Revenue by Owner Type: From 2018 to 2020 (millions)				
Owner Type	2018	2019	2020	Total
BC Resident	\$6.2	\$5.6	\$11.2	\$23
Other Canadian	\$5.5	\$5.2	\$5.7	\$16.4
Foreign Owner	\$25.6	\$34.7	\$25.6	\$85.9
Satellite Families	\$18.6	\$26.2	\$25.6	\$70.4
Other	\$1.4	\$2.7	\$4.9	\$9
Undeclared	\$7.4	\$11.4	\$7.6	\$26.4
Total	\$64.7	\$85.8	\$80.6	\$231.1

The majority of SVT revenue was from foreign owners with 37% and satellite families with 31%, for a combined total of 68%. The SVT revenue from B.C. residents amounted to 10% and other Canadians amounted to 7%. These figures show that non-B.C. residents are paying most of the SVT.¹

All revenue collected from the SVT must be spent on housing affordability initiatives in the regional district where it is collected. Any SVT revenue are to be used to acquire, construct, maintain or renovate housing or shelter, as well as support other housing-related activities. BC Housing is the primary recipient of funds, but also receives other funding to support government's investments in housing affordability. BC Housing expenditures including those that are under construction or in development between 2018 and 2021 are as follows:

BC Housing Total Expenditures in Regional Districts (millions)			
Regional District	2018/19	2019/20	2020/21
Capital	\$113.3	\$135.4	\$131.6
Central Okanagan	\$66.3	\$52.2	\$60.5
Fraser Valley	\$58.4	\$85.3	\$68.4
Metro Vancouver	\$647.3	\$594.3	\$686.4
Nanaimo	\$49.3	\$38.6	\$42.1
Total	\$934.6	\$905.8	\$989.0

Source: BC Housing

¹ Ministry of Finance – Speculation and Vacancy Tax Act Review of Act and Regulations (June 2022), p.26-27

Intergovernmental Implications

In February 2022 Members' of the Legislative Assembly for Cowichan Valley, North Saanich and the Islands wrote to the Honourable Selina Robins, Minister of Finance, advocating for the expansion of the Speculation and Vacancy Tax within their respective constituencies. Both articulated the need to address the housing crisis within their respective ridings, noting in particular that, "*Salt Spring Island has only 3-7 primary rental units, despite reporting hundreds of short-term vacation rentals*"².

The province has received other requests from areas outside the SVT regions that are interested in opting-in to the tax and will be considering as part of the provincial government's upcoming review of the *SVT Act* and regulations with regard to housing affordability.

Financial Implications of the Speculation Tax

The Ministry of Finance is responsible administering the Speculation and Vacancy Tax by undertaking taxpayer contact services, declaration process support, imposing interest on unpaid STV, registering liens on unpaid taxes, etc. There is no cost to the Capital Regional District.

Business Licensing

As previously reported, Regional Districts have not been granted business licensing authority in the *Local Government Act*. Some Regional Districts, including the Central Okanagan Regional Districts, have requested and been granted business licensing authority to regulate vacation rentals, however, the Province must enable the authority by regulation before a regional district can exercise licensing powers. The *Community Charter* gives municipalities the authority to legislate in relation to a number of broadly stated "spheres of jurisdiction". The regulatory authority is found in Section 8(3) to (6): to regulate, prohibit and impose requirements, by bylaw. Licensing under Section 15 of the *Community Charter* provides for a system of licenses. This includes: providing for the granting or refusal of a license; providing for the effective periods of a license; establishing terms and conditions that must be met for obtaining, continuing to hold or renewing a license, including the nature and terms of those conditions and who may impose them; providing for the suspension or cancellation of licenses for failing to comply with a term or condition or failing to comply with the business licensing bylaw; and providing for reconsideration or appeals of decisions made with respect to the granting, refusal, suspension or cancellation of business licenses.

Short-term vacation rentals are currently regulated through the Islands Trust land use bylaw. Once a vacation rental use is permitted Islands Trust no longer has control over how the specific use is carried out at an individual property level other than controlling the use under a temporary use permit or conditional case-by-case basis. It is in these circumstances where business licenses can be an important companion to help with zoning compliance, by allowing only certain types of businesses to operate in certain areas. Like CRD, Islands Trust can seek provincial authority to have business licensing authority as an additional tool to regulate, prohibit and impose requirements in relation to short-term vacation rentals. Coordinated compliance overseen by one jurisdiction is preferable to having a regulatory scheme where CRD regulates vacation rentals by business license and Islands Trust regulates the same properties/owners by zoning.

Currently, the City of Victoria regulates short-term rentals where permitted under the City's zoning regulation to protect availability and affordability of long-term rentals. To operate a short-term rental in Victoria for stays of less than 30 days, an operator must have a short-term rental business

² <https://islandstrust.bc.ca/wp-content/uploads/2021/02/2020-11-26-housing-needs-report-ssi-final.pdf>

license and comply with operating requirements. The City of Victoria can impose a \$500 per day fine for operating without a short-term rental business license. While the fines are significant, the cost of enforcement or collection of fines usually ameliorates any revenue that can be generated by fines.

Financial Implications of Business Licensing Authority

A business license function for Salt Spring Island would require new funding for administration, overhead and a part-time bylaw enforcement officer. There would also be additional legal costs for court proceedings to enforce against businesses operating without a license, or to respond to administrative court challenges where a business license is revoked or suspended. Enforcement proceedings would be necessary to ensure the regulatory authority is upheld and complied with.

Business License Function	Part-time
Business License staff	\$45,500
Administration	\$6,800
Allocations	\$2,300
Subtotal	\$54,600
Vehicle (One-time cost)	\$50,000
	\$159,200
Revenue	
225 businesses @ \$100/licence	(\$22,500)
TOTAL	\$136,700

CONCLUSION

Short-term vacation rentals can be regulated by land use bylaws or through business licensing. CRD does not currently have the authority under the *Local Government Act* to regulate business. Under the *Islands Trust Act*, Local Trust Committees (LTCs) have land use authority to regulate short-term vacation rentals. LTCs can permit or prohibit vacation rentals outright in accordance with zoning requirements within land use bylaws. While land use bylaws can be effective in regulating vacation rentals and are relatively simple to enforce, there are some limitations due to the fact that land use bylaw provisions are typically general and permissive in nature, rather than site-specific. It may be an option for the Islands Trust to explore additional enabling authority to regulate short-term rentals through business licensing where permitted under their land use authority to protect long-term rental and rent affordability challenges, which could then be applied throughout the Trust area.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Karla Campbell MBA, BPA, Senior Manager, Salt Spring Island Electoral Area
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: Regulation of Vacation Rentals on the Southern Gulf Islands and Salt Spring Island

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, FEBRUARY 09, 2022**

SUBJECT Regulation of Vacation Rentals on the Southern Gulf Islands and Salt Spring Island

ISSUE SUMMARY

To provide information on measures to restrict or control tourism accommodation, including the power to regulate business through the issuance of business licenses for Salt Spring Island and Southern Gulf Islands by requesting the Province pass enabling regulation through an Order in Council.

BACKGROUND

On July 14, 2021, the Electoral Areas Committee passed the following resolution:

That the Electoral Areas Committee request staff to provide a report outlining the possibility of the Capital Regional District pursuing measures to restrict or control tourism accommodation, including the power to regulate business through the issuance of business licenses for Salt Spring Island and Southern Gulf Islands by requesting the Province pass enabling regulation through an Order in Council.

The Capital Regional District has received a similar request by way of resolutions from the Islands Trust Salt Spring Island Local Trust Committee, North Pender Island Local Trust Committee, South Pender Island Local Trust Committee, and the Galiano Island Local Trust Committee. While Local Trust Committees are the land use authorities for the islands, the LTCs lack the full range of tools for enforcement and administration of vacation rentals that can be utilized by municipalities. Please see the letter from Islands Trust, dated November 9, 2021 and attached as Appendix A.

In addition, in 2019, the Union of B.C. Municipalities (UBCM) and the Province convened a Joint Advisory Group on Short-Term Rentals. In 2021, the advisory group released a report with 13 priorities for action for the Province to consider in order to establish a regulatory framework for the short-term accommodations industry (see Appendix B). Key among the requests for action include greater regulatory tools for local government:

- *Amend the Local Government Act to allow regional districts to implement business licensing, by approval of the regional district board, as a tool to regulate short-term rentals.*
- *Increase the allowable fines that local governments can levy against short-term rental hosts operating out of compliance.*
- *Explore whether provincial bylaw notice adjudicators have sufficient information and awareness of short-term rental issues to understand these offences, preventing undue cancellation of violation notices.*

As discussed in the UBCM report, short-term vacation rentals can be problematic for communities by reducing the available long-term rental housing stock for residents. It can also encourage

buyers to acquire secondary homes in popular tourist destinations, such as the Gulf Islands, by offering a revenue stream to non-resident owners while still allowing them flexibility to access the property for personal use. The introduction of the Provincial Speculation and Vacancy Tax was designed in part to address some of these issues, however, the SSI and the SGI are exempt from the tax.

ALTERNATIVES

Alternative 1:

The Electoral Areas Committee recommends to the Capital Regional District Board:

That the Regulation of Vacation Rentals on the Southern Gulf Islands and Salt Spring Island report be received for information.

Alternative 2:

That the Capital Regional District Board request the Province of British Columbia bring forward an Order in Council to grant the Capital Regional District the authority to regulate business in the Salt Spring Island and Southern Gulf Islands Electoral Areas.

IMPLICATIONS

The regulatory tools available to local governments to regulate vacation rentals in residential zones include zoning bylaws, temporary use permits, and business licensing, all of which can be enforced by ticketing, fines or a court-issued injunction.

Regulation by Land Use Bylaw

On Salt Spring Island and in the Southern Gulf Islands, land use regulation is under the authority of the Islands Trust. Under the *Islands Trust Act*, Local Trust Committees (LTCs) have land use authority to adopt Official Community Plans and zoning regulations to regulate short-term vacation rentals. LTCs can permit or prohibit vacation rentals outright in accordance with zoning requirements within land use bylaws.

A contravention of a land use bylaw can be enforced by issuing a municipal ticket or a bylaw adjudication notice, or in more serious cases, obtaining a statutory injunction order from BC Supreme Court to prevent the continued use of the property in contravention of the bylaw. In cases where the rental is occurring in a secondary suite or guest cottage that is not authorized by zoning, the injunctive order can include the power to dismantle and remove the unauthorized suite at the owner's expense. Many local governments in BC use some or all of these enforcement tools under their land use bylaw to effectively regulate unauthorized vacation rentals.

While land use bylaws can be effective in regulating vacation rentals and are relatively simple to enforce, there are some limitations due to the fact that land use bylaw provisions are typically general and permissive in nature, rather than site-specific. Once a vacation rental use is permitted in a zone, the LTCs no longer have control over how the specific use is carried out at an individual property level. Some LTCs get around this by continuing to prohibit short-term vacation rental uses, but allowing them under temporary use permits and controlling the use on a conditional, case by case basis. Where there is a desire to further regulate how the use is carried out, to

monitor the extent of the use, or to collect data to inform adaptive management of vacation rental use, business licenses may be a more effective regulatory tool.

Regulation by Business Licensing

Under the *Local Government Act*, Regional Districts do not have business licensing authority. Regional Districts are different from municipalities in this respect, as municipalities have authority to regulate business by imposing a system of licenses, permits or approvals under section 15 of the *Community Charter*.

Regional Districts can request business licensing authority from the Province. If granted, it is enabled by an order-in-council or regulatory change. The UBCM request would enable this authority outright through a change to the *Local Government Act* and remove this as a barrier for Regional Districts that want to use business licensing to manage issues such as short-term rentals. However, currently, if the CRD would like business licensing powers, it must first be granted the authority by the Province.

Once granted the authority to regulate business by the Province, the CRD would have to adopt a business licensing bylaw which would then be used to define which categories of business it would regulate and set the conditions and requirements of the licensing regime. Normal provision of a business licensing bylaw would include the following:

- a requirement to obtain an annual permit for a fee (usually \$100-\$150);
- appointment of a License Inspector or Director;
- assignment of powers to the Inspector to set conditions on the issuance or cancellation of licenses and the appeal process for those decisions;
- power to conduct inspections;
- general conditions on the license such as the form, requirement to display, requirements to update information, renewal and transfer;
- specific conditions based on business type, such as home-based, commercial, personal services or inter-municipal.

If CRD were to regulate vacation rentals through business licensing, all vacation rental owners would need to purchase an annual business license issued by the CRD. Owners would need to comply with any of the terms and conditions placed on the license, which may include a requirement for an inspection of the property. Typically a business license would not be issued for any vacation rentals that are not compliant with the applicable zoning bylaws, so only those rental properties that are authorized by zoning would be licensed.

One of the benefits of licensing is that it can provide consumer protection by establishing minimum standards for businesses that are licensed. It also provides the local government a way to track and compile metrics on the number of businesses operating in the region.

Enforcement of License Contraventions

Business licensing would provide another avenue for enforcement against unauthorized vacation rental properties. Fines could be issued to a business that is operating without a license, or is operating in contravention of the terms and conditions of a license. Where a business is not complying with the requirements of a business license, the license can also be revoked by the License Inspector, however, under the *Community Charter* revocation of the license is a decision

that is subject to a right of appeal to the Regional Board. In addition, prior to revoking a license, the License Inspector must observe the rules of procedural fairness and provide the business owner an opportunity to be heard and make submissions before a decision is rendered, similar to what is required when a local government files a Section 57 Notice of Building Contravention on title of a landowner's property. The administrative law requirements that are triggered by revocation of a business license can make enforcement of a license contravention a more challenging and expensive process than enforcing compliance with a land use bylaw.

Financial Implications of Establishing a Business Licensing Function

A business license function would require new funding from the SGI and SSI electoral area for the administration and overhead of the regulatory service, as well as funding to enable Bylaw Enforcement Officers to enforce the provisions of the business licensing bylaw. A software system, such as Tempest, would be necessary to track and issue licenses, automate the renewal process and generate invoices. Business owners would need access to payment options to pay the annual license fee. Systems currently utilized by CRD Bylaw Enforcement staff could be customized to administer business licenses, however, it would require an estimated 2.0 additional FTEs for administration, operation and enforcement of the new regulatory service, depending upon the scope of the regulation. Some of the costs of the new service could be offset by the revenue generated from collection of the license fees, however, the offset would depend on the number of businesses subject to the licensing requirement. For example, if all business in the SGI and SSI electoral area required annual business licenses, the revenue offset would be greater than if the regulation was limited to vacation rentals. If Islands Trust zoning continued to prohibit vacation rentals, uptake of a business license program would be limited further.

CONCLUSION

Short-term vacation rentals can be regulated by land use bylaws or through business licensing. CRD does not currently have the authority under the *Local Government Act* to regulate business, however, the authority can be granted by the Province by an order-in-council, and enabled by the Board through the adoption of a business licensing bylaw. Establishing a business license function would require new funding be raised from the SGI and SSI electoral areas for increased staffing associated with administration and enforcement of the business license function. It is anticipated that some of the increased costs could be offset by the revenue generated from annual license fees. Staff recommend further analysis on financial impacts would be required prior to implementation.

RECOMMENDATIONS

The Electoral Areas Committee recommends to the Capital Regional District Board:

That the Regulation of Vacation Rentals on the Southern Gulf Islands and Salt Spring Island report be received for information.

Submitted by:	Justine Starke, MCIP, RPP, Manager, SGI Service Delivery, Corporate Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Letter from Islands Trust, dated November 9, 2021

Appendix B: Priorities for Action on Short-Term Vacation Rentals (Report of the Joint UBCM-Province Advisory Group on Short-Term Rentals).



200-1627 Fort Street Victoria BC V8R1H8
Telephone **250.405.5151** Fax 250.405.5155

Toll Free via Enquiry BC in Vancouver 604-660-2421 Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

November 9, 2021

File Number: 12-14-6500-20

Justine Starke
Manager, Southern Gulf Islands Service Delivery
Capital Regional District
Via email

Dear Justine:

Re: Local Trust Committee Business Licensing Resolutions

I am writing to you concerning a number of resolutions recently adopted by local trust committees encouraging the Capital Regional District to explore business licensing. Trustees and residents in the Trust Area have been grappling with the impacts of short term vacation rentals for years, and most LTCs have policies and regulations in place to attempt to mitigate those impacts. However, it has become apparent to many trustees and residents that zoning and other land use regulations are insufficient to manage the impacts of vacation rentals. Consequently, a number of LTCs have adopted resolutions (please see attached) requesting that the CRD consider the implementation of business license regulations within the Salt Spring and Southern Gulf Islands electoral areas for tourist accommodation, specifically for enforcement and administration of vacation rentals.

Sincerely

Robert Kojima,
Regional Planning Manager
Islands Trust

Attachment: Table of Resolutions

Local Trust Committee	Date	Resolution
Galiano Island Local Trust Committee	July 5, 2021	<p>GL-2021-065 It was Moved and Seconded, that the Galiano Island Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.</p> <p><u>CARRIED</u></p>
Mayne Island Local Trust Committee	June 21, 2021	<p>MA-2021-042 It was Moved and Seconded, that the Mayne Island Local Trust Committee request that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.</p> <p><u>CARRIED</u></p>
North Pender Island Local Trust Committee	June 24, 2021	<p>NP-2021-078 It was Moved and Seconded, WHEREAS the North Pender Island Local Trust Committee is implementing additional policies and zoning to regulate and manage short term vacation rentals on North Pender island, the Local Trust Committee lacks the full range of tools for enforcement and administration of vacation rentals;</p> <p>THEREFORE the North Pender Island Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.</p> <p><u>CARRIED</u></p>
Salt Spring Island Local Trust Committee	May 25, 2021	<p>2021-108 It was MOVED and SECONDED,</p> <p>Whereas the Salt Spring Island Local Trust Committee wishes to see appropriate regulation and management of short term vacation rentals on Salt Spring Island but lacks the full range of tools for enforcement and administration of vacation rentals;</p> <p>Therefore the Salt Spring Island Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.</p> <p><u>CARRIED</u></p>
South Pender Island Local Trust Committee	May 7, 2021	<p>SP-2021-044 It was Moved and Seconded, that whereas the South Pender Island Local Trust Committee is implementing additional policies and zoning regulations to regulate and manage short term vacation rentals on South Pender Island, the Local Trust Committee lacks the full range of tools for enforcement and administration of vacation rentals;</p> <p>therefore, the South Pender Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.</p> <p><u>CARRIED</u></p>

PRIORITIES FOR ACTION ON SHORT-TERM RENTALS

Report of the Joint UBCM-Province Advisory Group on Short-Term Rentals

FINAL REPORT

June 30, 2021

Supported by

Housing Policy Branch

Office of Housing and Construction Standards

Ministry of Attorney General and Minister responsible for Housing

Executive Summary

The Province's Rental Housing Task Force recommended in December 2018 that the Province work with local governments to develop, implement, and enforce short-term rental rules to better protect long-term rental stock (Recommendation #11). In the May 2019 response to the Task Force recommendations, the Province agreed to address this recommendation in 2020 through further consultation with stakeholders and local governments. In fall 2019 the Province and UBCM established a Joint Advisory Group on Short-Term Rentals. The purpose of this group was established as follows:

The Advisory Group will facilitate discussions with local governments about the impacts of STRs and tools for addressing them. Information generated by the Advisory Group will help **inform the Province's consideration of potential policy approaches to STRs**, including possible measures to support local governments interested in taking further actions to address STR impacts.

Housing affordability and availability are topics of utmost concern for all levels of government in British Columbia. The Advisory Group is particularly concerned about impacts of short-term rentals on long-term rental housing. While these impacts are hard to measure with available data set, the diversion of housing units from long-term supply is a significant problem affecting housing in many communities. The Advisory Group's work is informed by the need to take sensible precautionary steps to avoid negative outcomes for British Columbians.

The Advisory Group considered input from experts in various aspects of provincial legislation, research on short-term rental activity and broader rental housing data, and a series of stakeholder organizations. Through the Advisory Group's discovery and discussion process, a series of principles and outcomes were articulated that guided the identification of possible measures for the Province to consider. These principles were: recognition of regional differences, subsidiarity, fairness, future-proofing, and evidence-based policy balanced by precaution. The outcomes address various stakeholder viewpoints and seek to recognize both the opportunities and drawbacks presented by short-term rental platforms.

The priorities and requests to the Province in this report are intended to spark further discussion and exploration of potential policy approaches in the areas of platform accountability or regulation, data sharing, taxation, local government regulatory tools, capacity, and broader efforts to improve data sources and analysis on rental housing.

This Report represents the work done by the Advisory Group to understand the impacts of short-term rentals and suggest priorities and ideas to inform the Province's future work in this area. This report does not indicate formal endorsement by UBCM or the Province of these proposals.

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Background

Short-term rentals are the rental of a home, or room within a home, for a temporary stay (usually fewer than 30 consecutive nights). While vacation rentals and in-home bed-and-breakfasts have been a part of tourism accommodation for decades, the short-term rental industry saw significant growth with the advent of online platforms such as Airbnb and HomeAway (now VRBO).

The broad access and ease of transactions provided by these platforms led to a shift in the frequency of use and types of accommodation being listed for short-term use, with units not previously considered “tourism-oriented” being made available to travellers. The online accommodation bookings industry continues to evolve and grow despite the COVID-19 pandemic reducing worldwide travel, and hosts are now able to offer broader “experiences” and adjacent services via these platforms.

This shifting landscape in the accommodations industry has affected communities differently throughout the province. Impacts causing concern include:

- **Housing Availability:** The use of housing units for travellers has reduced long-term rental housing capacity at a time when housing availability and costs are already under pressure. While many short-term rental hosts use part of their primary residences for hosting, other types of spaces such as basement suites or accessory dwelling units also appear frequently on the platforms. Existing data on vacancy in the primary rental market (purpose-built apartments) shows no consistent correlation with short-term rental listings or bookings activity, but the true impact of short-term rentals is in the secondary market (other housing forms), which is more fluid and difficult to measure. The lack of consistent definition of what constitutes a “permanent dwelling” and limited capacity of local governments to monitor listings makes it nearly impossible to determine the actual scale of diversion from rental housing stock in a statistical sense, but observations by local governments indicate there is a significant unmeasured threat to long-term housing. As 70% of B.C.’s renter households rely on secondary rental market housing, and in some communities up to 100% of rental housing is in the secondary market, there is a strong case for responding to the potential impacts of short-term rentals even in lieu of appropriate data sources.
- **Housing Affordability:** The potential for earning revenue from short-term rental use of properties (whole or in part) often supports higher property prices than local incomes can support. This impacts housing cost in the rental market due to price competition and may be driving up the purchase price of homes in the resale market, as buyers are willing to pay a premium for units (especially condos) with potential for short-term rental use. Data to isolate and attribute this impact is not readily available, but anecdotal evidence appears in numerous B.C. communities.
- **Land Use:** In some cases, previously residential-use properties have been converted to commercial use despite local land use policies. Where short-term rentals represent a full-time business model, these properties are no longer serving their intended purpose as dwellings for local residents. In other communities (especially remote areas), the ease of promoting vacation rentals of properties has attracted tourism for which local governments are not equipped to regulate or support with infrastructure.

- **Public Impacts:** Increasing transient use of properties without oversight by hosts has contributed to noise, parking, garbage, safety, and disruption complaints. In some cases, short-term rental activity has been linked to public health risks via out-of-region visitors contributing to COVID-19 outbreaks.
- **Local Government Capacity:** Between the staff and Council time required to consult, evaluate options, and adopt short-term rental policies, and the licensing and enforcement staff time required to monitor listings and properties, regulating short-term rentals represents a significant (and new) imposition on local government capacity.

Short-term rentals also offer some benefits to communities and travellers:

- **Interim Worker Housing:** Employees arriving in a community for new employment, or for a temporary assignment, may use short-term rental housing while arranging for a permanent residence or to avoid occupying a rental unit only for a short period, freeing that unit up for a long-term residential tenant.
- **Tourism:** Short-term rentals provide some benefits to communities that are seeking to expand their tourism economies as a diversification strategy:
 - Short-term rentals expand tourist accommodation capacity, particularly in places with emerging tourism sectors where traditional lodging businesses have not yet established sufficient capacity.
 - Family travel: short-term rental units may be larger and provide more facilities that support families with children or specific accommodation needs, compared to hotels/motels. This opens up tourism in a community to different demographic segments.
 - Sports/group travel: teams or groups wishing to travel together may find an entire home with several bedrooms a more affordable way to travel for tournaments or events compared to the cost of booking multiple hotel rooms. Kamloops and Burnaby are two examples of communities with significant special event facilities where attendance may exceed local hotel capacity.
- **Economic Activity:** Hosts earn additional income on their short-term rentals (which may or may not be reported on tax returns) and visitors contribute in other ways to local economies through hospitality and experiences in the host community.

The challenge for the Province and local governments is to find a balance in regulating short-term rental activity to enhance the benefits and opportunities presented by the industry while reducing the detrimental effects on housing and neighbourhood livability.

An increasing number of local governments in B.C. have developed policies, or are in the process of doing so, to respond to the new opportunities, challenges, and impacts that short-term rentals bring to their communities. The Union of BC Municipalities (UBCM) identified short-term rentals as an ongoing issue of concern for local governments in 2016. Workshops and resolution discussions on the topic were featured at UBCM conventions in 2016, 2017, and 2018. A UBCM Special Committee on Housing included a series of

recommendations to address short-term rental regulation and taxation in the January 2018 report “*A Home for Everyone: A Housing Strategy for British Columbians*”.

Participating Organizations

The Advisory Group formed in January 2020 with representatives of nine local governments and participants from UBCM and the Ministry of Municipal Affairs and Housing (as it was then), and now also includes the Ministry of Attorney General and Minister responsible for Housing. Communities represented on the group were (in alphabetical order):

- City of Burnaby
- Islands Trust
- City of Kelowna
- City of Nelson
- Regional District of Thompson-Nicola
- Village of Tofino
- City of Vancouver
- City of Victoria
- Resort Municipality of Whistler

Process

The Advisory Group held in-person meetings in February and early March 2020, including presentations and discussions to inform the group’s members about community objectives, housing impacts as measured by available data, and legislative context. The group heard presentations from:

- Housing Policy Branch (Ministry of Municipal Affairs and Housing)
- Residential Tenancy Branch (Ministry of Municipal Affairs and Housing)
- Property Tax and Assessment Branch (Ministry of Municipal Affairs and Housing)
- Tax Policy (Ministry of Finance)

The onset of the COVID-19 pandemic put the Advisory Group’s process on hold during the spring and summer of 2020. Group members shared, via email, updates on the impacts of the pandemic on their communities and observations about how the short-term rental activity in their community changed (or not) while travel was affected by public health orders. Following the fall 2020 election, housing policy moved under the mandate of the Ministry of Attorney General and Minister responsible for Housing. The Advisory Group reconvened in April 2021.

Virtual meetings comprised the second stage of the Advisory Group’s deliberations. In addition to local government representatives sharing the expertise and experiences from their own communities, the Advisory Group received presentations and written submissions from:

- Housing Policy Branch (Ministry of Attorney General and Minister responsible for Housing)

- Tourism Vancouver
- BC Hotel Association
- BC Real Estate Association
- Harvard Business School (on the evolution of short-term rentals and online accommodation platforms)

The Advisory Group participated in a virtual collaboration session on May 12 which captured and delved into numerous themes that had emerged from the presentation and discussions held throughout this process. A draft of this report was provided to government relations personnel from Airbnb and Expedia (owner of the VRBO platform) for comment and feedback to the panel prior to this report being finalized.

Principles

The Advisory Group identified five principles that inform the outcomes and priorities presented in this report.

- **Recognition of Regional Differences:** Economic and housing conditions vary among regions and communities. Any proposed outcomes or actions need to recognize and allow for these differences, including the need to balance needs within a community (e.g. tourism, economic development, housing).
- **Subsidiarity:** Law-making and implementation are often best achieved at a level of government that is most effective and closest to the issues affected. The federal, provincial, and local governments have different but overlapping roles in housing policy and land use planning. Subsidiarity as a guiding principle encourages complementary legislation while accommodating local circumstances.
- **Fairness:** As much as possible and where feasible, all businesses operating in an industry within a given market should be subject to the same restrictions and requirements under the law. Similarly, residents in a community should be subject to the same expectations and have access to the same types of protections or benefits.
- **Future-Proof:** The travel industry was evolving prior to the COVID-19 pandemic, which caused an abrupt and dramatic change to how and why people seek and use accommodation. The online accommodation booking industry is dynamic and any legislation or programs implemented in 2021 or 2022 need to consider the rapid changes and market reach of this platform-based industry. Relying only on local governments to adopt bylaws and pursue enforcement of this industry has already produced a fragmented regulatory landscape.
- **Evidence Based Policy balanced by Precaution:** Outcomes and priorities should be informed by multiple types of evidence, including quantitative data, qualitative research, observations, and experiences of governments in B.C., Canada, and elsewhere. Where the available data or evidence falls short of the reliability necessary for conclusive analysis, governments should exercise caution but also act to prevent likely harms.

Outcomes

Drawing from the perspectives and experience of local government representatives from a diverse range of communities, the Advisory Group identified a series of important outcomes of potential legislation or programs for various stakeholders. These outcomes will be achieved by complementary and collaborative work across orders of government.

- B.C. households seeking rental housing are not excluded from finding and affording housing that meets their needs as a result of suitable units being repurposed or developed specifically for short-term rentals instead of long-term tenancies.
- Local governments are able to set and enforce land use policies that designate residential property primarily for the purpose of providing long-term residences, while allowing ancillary uses that are aligned with community objectives.
- Local governments have sufficient and timely access to short-term rentals data, and capacity to enforce the land use policies and regulatory schemes set in their jurisdiction.
- All operators within the industry are subject to a clear and consistent regulatory structure, with the same level of accountability to B.C. communities.
- Businesses operating accommodation services via online platforms are held accountable for the same safety, labour practices, neighbourhood impacts, and taxes as accommodation providers operating in more traditional business models (e.g. hotels, motels, B&Bs, campgrounds, etc).
- Hosts, travellers, and neighbours are kept safe and have enjoyable experiences (or fewer negative experiences) resulting from short-term rental accommodations.
- Local governments and the Province have improved capability, through data sources and analysis, to understand the interaction between short-term rentals and the housing market.
- The Province continues to monitor and report on trends and impacts from the short-term rental industry to inform and support local governments.

Priorities

The following needs and ideas emerged during the Group's process as the most likely actions to lead to the desired Outcomes, while being informed by and respectful of the Principles described above. The Advisory Group acknowledges these ideas and priorities will likely require further analysis and collaboration to determine feasibility. Numerous other jurisdictions have introduced more stringent legislation and requirements for the short-term rental industry. Actions to address the impact of short-term rentals in British Columbia may carry some risk, but this needs to be balanced against the significant pressures facing rental housing in many communities.

Provincial Platform Regulation and Accountability

Priority: Where local governments have enacted regulatory tools, such as requiring business licenses for the operation of a short-term rental, these policies are only as strong as the capacity of the local government to enforce them. Platforms have a direct business relationship with their hosts which provides a greater opportunity to detect and deter non-compliant activity.

The Province has greater capacity to use legislative authority to regulate all online accommodation platforms offering services within the province. This framework could echo the provincial regulation of other travel or real-estate related industries such as travel agencies, home inspectors, and ride-hailing (e.g. Lyft, Uber, etc.). The parameters of a provincial framework need to be explored further, but the Advisory Group considers there to be many potential inclusions that would significantly address negative impacts of the short-term rental industry:

- Commercial operators (hosts with numerous short-term rental properties possibly listed across platforms and across communities) could be required to register as businesses through the B.C. Corporate Registries.
- While some platforms provide a field where hosts can display their business license or permit information, this could become a mandatory inclusion for all listings in B.C. where local governments have permit or license requirements. There needs to be validation of this information so that hosts are not providing false data simply to get their listing online. The Province could hold platforms accountable through provincial regulation to validate this information with local governments.
- Hosts could be asked to commit to a statutory declaration to the Province, via their platform, that their listing is compliant with provincial and local government requirements.
- Hosts could be held accountable to the province for standards regarding safety/hygiene, insurance, and consumer protection.

Rationale: Regulation of an industry at the provincial level, to the extent where common objectives exist, provides for greater clarity for the industry and efficiency for enforcement. A provincial regulatory framework is more future-proofed than relying on individual local governments to

keep abreast of advances in the technology and business models of online accommodation platforms and then update bylaws or policies in a patchwork form across the province.

Provincial regulation of other industries, such as ride-sharing, travel agencies, payday loans, and home inspections among others, provide standards that are intended to protect all British Columbians from safety and financial hazards that could be common if business activities are left unregulated. This applies to the customers in an industry as well as labour practices.

Requests:

1. Introduce a **provincial regulatory framework**, similar to those in place for ride-sharing and other regulated industries, for platform accountability and information validation for online accommodation platforms and short-term rental hosts.

Data Sharing

Priority: Local governments need data on short-term rentals that allows them to understand STR activity in their community, develop bylaws or policies to support community objectives, and enforce those bylaws or policies. The Province needs data on short-term rentals to understand trends across the province, monitor impacts on the housing market, and enforce tax policy.

Types of data that are needed include property information (address, ownership, unit type, legal tenure), host details (including multiple-property hosts), bookings (frequency of use and income), licensing information (if any), and information on complaints relating to public safety or neighbourhood impacts such as noise or standards of property maintenance.

In addressing this priority, governments need to consider appropriate protection for the personal privacy of short-term rental hosts, as data collected for a business purpose may not be redacted under FOIPPA as personal information. As short-term rental activity indicates potential vacancy of properties, it presents a security and safety threat to hosts if their property information or demographic details are released through a Freedom of Information Request.

Rationale: Current practices require governments to contract with third-party data providers or assign staff to manually scan online accommodation platforms, which are costly and inefficient approaches that may not always yield accurate and complete data. Requiring all participants in the online accommodation industry to adhere to common standards of data-sharing provides fairness in the industry and reduces the burden of tracking property listings across multiple platforms.

Requests:

2. Require all online accommodation platforms to **make data available through a provincial interface** from which local governments can pull information on property listings, hosts, bookings, and complaints in their community.

3. Require online accommodation platforms to **validate business license or permit information** with local governments to avoid false information in listings.

Taxation

Priorities: Undertaking a business activity, regardless of locale, should be subject to consistent taxation according to the law. Taxation provides revenue to governments to financially support (in part) the infrastructure and programs that create tourism opportunities and offset the potential negative impacts of the business activity, such as the pressures placed on local housing markets by short-term rentals. The collection and remittance of taxes does not prevent negative impacts on housing affordability and availability but is part of a coherent and aligned regulatory framework.

Tax Collection and Remittance

The Province regulates that the process by which Provincial Sales Tax (PST) and Municipal and Regional District Tax (MRDT) are collected and remitted as applicable on sales of short-term accommodation provided in B.C., including all accommodation listed on an online accommodation platform. Short-term rental hosts are required to register for the PST and MRDT (if applicable) unless they only list their accommodation on a platform that is registered to collect PST and MRDT.

The Province has negotiated with Airbnb to collect and remit taxes on behalf of hosts, but there are numerous other platforms not participating in these agreements, and current legislation does not allow the Province to require platforms to collect PST and MRDT (only to register voluntarily). All platforms operating in this industry should be subject to the same requirements for short-term rental bookings in the province.

Using Tax Revenues to Address Short-term Rental Impacts

Areas that have the MRDT in place can opt to direct tax revenues from online accommodation providers to housing purposes in their community, but not to the compliance and enforcement of short-term rental policies. Non-MRDT communities have more limited means to raise revenues to offset compliance and enforcement costs. Options to direct PST revenues from short-term rentals to the originating communities would support compliance and enforcement efforts.

The Advisory Group heard from industry stakeholders that the differing rates and coverage of MRDT is challenging for tourism operators and short-term rental hosts; making the MRDT consistent throughout the province could simplify administration and reduce confusion. Revisions to the MRDT could also yield tax revenue from short-term rentals that could support local communities to offset neighbourhood impacts by enabling more personnel to be allocated towards enforcement.

Addressing Commercial Use of Residential Property in Taxation

UBCM has previously endorsed a members' resolution calling for the Province to amend legislation so that properties used for short-term rental accommodation may be eligible for split classification between Class 1 and Class 6 under the Assessment Act. This would be consistent with the split classification of strata accommodation properties and "bed and breakfast" residential properties. The Advisory Group acknowledges the challenges involved in applying classification to short-term rental listings, and in keeping with the principle of fairness, supports a wider use of split classification so that commercial accommodation activities are taxed fairly. Higher property tax rates for commercial properties raise revenue directly for local governments to apply to the regulation and enforcement of the industry.

Rationale: Applying a consistent expectation across the industry to collect tax at the point of booking provides for tax fairness among all accommodation hosts (short-term rentals, traditional B&Bs, hotels, etc). This promotes accurate and complete collection of tax revenues which may be applied towards compliance and enforcement efforts.

Requests:

4. Introduce legislation to **make tax collection at the point of booking a requirement** for online accommodation platforms.
5. **Share PST revenues from short-term rentals with the local governments** affected by the taxed business activity.
6. Investigate further changes to the MRDT to **increase consistency across the province** and expand the uses of tax revenue to offset impacts to housing and neighbourhoods.
7. Explore options to **expand split classification of properties** so that commercial use of property for short-term rental accommodation is reflected in property tax assessments.

Regulatory Tools for Local Governments

Priority: Local governments have a variety of objectives that inform their policies on short-term rentals and need a flexible yet comprehensive suite of regulatory tools to help achieve those objectives. One of the most effective tools for addressing the impact of short-term rentals on housing availability and affordability is to prohibit listings that aren't within a host's principal residence. Additional conditions are used by local governments in response to specific community concerns, including having on-site or on-call property oversight, limiting the number of nights per year, and requiring off-street parking. The resource "Regulating Short-Term Rentals" published by Generation Squeeze provides an excellent reference for local governments seeking to identify options for their jurisdictions.

Some of the regulatory tools in use to implement this requirement include business licensing, temporary use permits, zoning bylaw definitions, and ticketing/fines. Yet not all local governments have access to the same tools, or some of these tools could be improved:

- Regional districts are currently required by the *Local Government Act* to request authority from the Province to issue business licenses. Enabling this authority by default would remove a barrier for regional districts wishing to adopt business licensing bylaws by choice, as a tool to manage short-term rentals and other industries as identified by the regional district. (The Province may also consider configuring the *Local Government Act* so that regional districts could adopt a licensing framework for specific industries instead of having to license all businesses).
- Increasing the allowable fines that can be levied through the Municipal Ticket Information system or Bylaw Enforcement System will enable local governments to apply deterrents to illegal short-term rental activity. Strata corporations are able to levy fines of up to \$1,000 *per day* for contraventions of strata bylaw prohibiting short-term rentals. This is a high fine in the context of a strata corporation, though it may be insufficient in other environments; some jurisdictions outside Canada are levying fines of \$1,000 for a first offence, \$5,000 for a second offence, and \$10,000 for a third offence.
- The Bylaw Enforcement Notice Adjudication process (Ministry of Attorney General) provides an avenue for citizens to dispute tickets; some communities have noted that after pursuing investigation and levying a bylaw notice to a short-term rental host who is not complying with local laws, the Provincial adjudicator may cancel the violation notice.

Rationale: Enabling local governments to use regulatory tools that fit their community's objectives acknowledges regional differences between communities and supports the principle of subsidiarity (placing regulations at the point closest to the resident/business that allows for efficient implementation).

Requests:

8. Amend the *Local Government Act* to **allow regional districts to implement business licensing**, by approval of the regional district board, as a tool to regulate short-term rentals.
9. **Increase the allowable fines** that local governments can levy against short-term rental hosts operating out of compliance.
10. Explore whether provincial bylaw notice adjudicators have sufficient information and awareness of short-term rental issues to understand these offences, **preventing undue cancellation of violation notices**.

Capacity Supports for Local Governments

Priority: Local governments vary widely in their objectives for regulating short-term rentals and the extent or impact of short-term rental activity in their communities. They also vary in size, and organizational capacity to develop, consult on, implement and enforce policies relating to short-term rentals. Building on past collaboration and outreach, the Province and UBCM can continue to jointly support all local governments in learning about, implementing and enforcing short-term rental policies by providing opportunities for knowledge sharing and community-to-community peer support.

A useful model for this is the [BC Ideas Exchange](#), which focuses on local economic development practices and knowledge-sharing activities such as web-based toolkits, webinars and conference workshops. The [“Regulating Short Term Rentals” Toolkit](#) written by Third Space Planning with support from the Federation of Canadian Municipalities and others is an example of the type of content that can be shared with local governments.

Local governments have indicated the value of having knowledgeable people available to consult directly in addition to the plethora of written and online resources. Direct outreach to local governments helps bridge the capacity gap; this model is demonstrated by the Regional Economic Development Managers that support local governments through the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

Rationale: Capacity for policy development and implementation is a major constraint facing local governments. Simply having the legislative authority to pass bylaws and implement licensing does not mean a local government (especially a small one) has the staff time or expertise to carry out research and consultation prior to policy implementation, to respond to public pressure from short-term rental hosts opposed to policies that limit their business opportunities, or to enforce policies that are passed by Council. The Province and UBCM can act jointly to support capacity development.

Requests:

11. Allocate Provincial resources to collaborate with UBCM on an **outreach program to support local governments** in identifying and implementing policy options that address housing priorities and needs, including short-term rental regulation and enforcement.

Improve Availability of Data on Short-Term Rentals and the Rental Market

Priority: Local governments and the Province need better data on both the availability and cost of housing in the rental market. Rental market data from CMHC pertains predominantly to the primary (purpose-built rental) market, and is only available at an annual frequency, which poses serious challenges and limitations to understanding the impacts of short-term rentals on the rental market. Data on the secondary rental market (i.e. basement suites, rental houses, etc.) is largely non-existent, thus measuring the impacts of short-term rentals more broadly remains an impossible task. Even where data exists, a further challenge comes in

distinguishing rental units that could potentially form permanent housing from properties that are unlikely to be used as permanent housing, even if removed from short-term rental use (e.g. temporary listings, remote vacation properties or residences located in designated tourist accommodation zones).

The Advisory Group is aware of the challenge of establishing data sources on the secondary rental market and raises this as a priority for the Province to work on with CMHC and using municipal data where available.

In addition to improving data on the secondary rental market, the Advisory Group noted that data on short-term rentals are not incorporated into the Housing Needs Reports required for all communities. If data-sharing becomes a requirement for online accommodations providers, this information can be included in Housing Needs Reports to help Councils recognize trends or challenges and adapt policies according to local needs.

Rationale: Through the Advisory Group process it became evident that gaps in data on the rental market made it difficult to measure and compare the impacts of short-term rentals on rental housing availability and cost in communities. Existing rental housing data from Canada Mortgage and Housing Corporation (CMHC) varies in coverage among communities, with data coverage of up to 55% in some larger metropolitan areas, but as little as 10% coverage in smaller communities. By contrast, it is known from Census data that roughly 70% of all renter households in British Columbia occupy rented dwellings in the secondary rental market, yet there are very few reliable data sources available to understand this very large segment of the rental market.

These data gaps confound meaningful discussions of what policies are really needed to address housing affordability across the spectrum of housing. The gaps also increase the risk that local government policies targeting short-term rentals will fail to respond to emerging trends in housing (or developing industries) or provide the necessary housing to meet future demands.

Requests:

12. Allocate Provincial resources and collaborate with the federal government (Statistics Canada and CMHC) and local governments **to improve the collection and analysis of data on secondary rental housing**, particularly as relates to short-term rental impacts.
13. **Expand the Housing Needs Reports data requirements** to include showing data on short-term rental listings and usage, utilizing platform data collected through a provincial regulatory framework.

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JULY 13, 2022**

SUBJECT **Bylaws 4507 and 4508: Establishment of Local Community Commission for Salt Spring Island**

ISSUE SUMMARY

To create an elected body with a scope of authority over specified island-wide services for Salt Spring Island, known as a local community commission.

BACKGROUND

The Electoral Area Director for Salt Spring Island in consultation with a group of Salt Spring Island residents, has requested the Capital Regional District (CRD) advance the creation of a local community commission ("LCC") for Salt Spring Island. An LCC is a type of regional district commission with delegated authority over specified local services, comprised of elected, rather than appointed, membership. The purpose of this LCC proposal is to broaden CRD elected oversight and administration of certain delegated local services, make decision-making regarding these services more locally transparent and reflective of the broad public interest, and to consolidate the fragmented nature of CRD service delivery through appointed, individual commissions.

Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", has been prepared to allow consideration of the establishment of a new LCC for Salt Spring Island (Appendix A). To create the LCC, Bylaw No. 4507 must be introduced and given three readings by the Board, before being referred to the Ministry for approval and to electors for assent by referendum. The referendum question must be approved by the CRD Board to be placed on the ballot during the upcoming general voting day on October 15, 2022. If the electors are in favour, the bylaw may be adopted by the CRD Board and an election for the four public members of the LCC will be held in 2023 in accordance with the *Local Government Act* ("LGA"). After the LCC members are elected, CRD would adopt Bylaw No. 4508 and take steps to dissolve the other commissions who currently have delegated authority over the services intended to be administered by the LCC.

Proposed Bylaw No. 4508 sets out the scope of delegated authority over the services overseen by the proposed LCC. The scope of the LCC includes island-wide services currently overseen by existing commissions, such as parks and recreation, transportation, economic development, and liquid waste disposal. The scope also includes services currently overseen by staff and the EA Directors, including street lighting, determination of compensation of livestock injury by dogs, and the approval of grant-in-aid applications. The LCC would also have an advisory role to review and recommend budgets for SSI contribution services that receive CRD funding, including the arts contribution service, the public library service, and the search and rescue service. The full list of proposed services are included in Bylaw No. 4507 attached as Appendix A. Area-specific services, such as wastewater and water services, would continue to be overseen by commissions comprised of ratepayers from these service areas.

Should the Salt Spring Island community wish to expand the scope of services or dissolve the LCC in future, a referendum or Alternative Approval Process would be necessary to amend or repeal the LCC establishing bylaw, unless the Inspector of Municipalities consented to waiving the elector asset process, which is an alternative in section 244 of the *Local Government Act*.

The creation of an LCC will not alter the Salt Spring Island Electoral Area's relationship with Islands Trust, which is responsible for the local planning function under the *Islands Trust Act*, RSBC 1996, c 239.

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board that:

1. Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", be introduced and read a first, second, and third time;
2. That CRD staff be directed to implement the elector approval process by way of referendum;
3. That Kristen Morley be appointed Chief Election Officer with the power to appoint one or more Deputy Chief Election Officer(s);
4. That the wording of the referendum question for the purposes of the ballot shall be as follows:

Are you in favour of the Capital Regional District (CRD) Board adopting Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", authorizing the establishment of a local community commission for the Salt Spring Island Electoral Area, to be comprised of four elected commissioners and the Electoral Area Director, to oversee and advise on economic development, wastewater disposal, community parks and recreation, small craft harbour facilities, transit and transportation, street lighting, grants-in-aid, compensation for livestock injured by dogs, and the contribution services for arts, public library, and search and rescue?

YES or NO?

5. That general voting be held on Saturday, October 15, 2022, with Advance Voting opportunities held on dates and voting places to be determined by the Chief Election Officer;
6. That the synopsis of Bylaw No. 4507, attached as Appendix B, be approved for advertising purposes.
7. That Bylaw No. 4508, "Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022", be introduced and read a first, second, and third time.

Alternative 2

The Electoral Areas Committee recommends to the Capital Regional District Board that this matter not proceed.

IMPLICATIONS

Governance Implications

Creation of an LCC, with an elected membership, is the highest form of delegated government contemplated in an electoral area under the *Local Government Act*. An LCC permits Salt Spring Island to elect individuals who will oversee certain local services giving the electoral area delegated authority over its services rather than having decisions made by the Board.

The LCC would be comprised of 5 members, one of which is the Electoral Area Director for SSI, and four other commissioners that would be elected by residents on Salt Spring Island. Elections for LCC members follow the same requirements as Director elections under the *LGA*. If approved, the first election would take place in late spring of 2023. In subsequent years, LCC members would be elected at the time of the General Local Election. The LCC will elect a Chair and Vice-Chair annually from its commissioners. Each LCC member has one vote. The EA Director has the same status and authority as all other members of the LCC on services delegated to the LCC. By legislation, only the EA Director is entitled to sit and vote at the Regional Board. On referral by the Regional Board, the LCC can make recommendations to the Director; however, the LCC cannot fetter the discretion of the Director on issues not delegated to the LCC.”

Should a vacancy occur in a commissioner’s term, the *Local Government Act* does permit alternatives to a general election provided they are set out in the LCC bylaw. Bylaw No. 4507 permits voting by mail, a less costly alternative to a general election; as well as appointment by the CRD Board after a public solicitation process and consultation with the current LCC. Both options would save the local community the cost of a by-election in certain circumstances, while also retaining the ability to hold a by-election based on costs, length of the remaining term, and other factors of importance to the community.

Given the wide scope of authority assigned to the LCC under the establishing bylaw, staff recommend that the LCC commissioners be remunerated for their services. On adoption of the LCC establishing bylaw, staff would bring forward amendments to the Board Remuneration and Travel Expense Policy to include remuneration for the LCC members, prior to starting the election process for the commissioners.

If the LCC wishes to make changes to its establishing bylaw in future, it requires elector approval, unless the Inspector of Municipalities waives this requirement. While the LCC is proposed to have a wide scope of authority over many island-wide services, the LCC is still subject to the same restrictions as other commissions with respect to the powers of the Regional Board including the adoption of bylaws or approval of budgets.

The level of delegation proposed for the LCC is set out in the draft delegation bylaw, Bylaw No. 4508, “Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022”. Bylaw 4508 is not subject to elector approval, but is recommended for three reading by the Board, with adoption held pending adoption of the LCC bylaw and election of its membership.

If the LCC is established, the existing Salt Spring Island Liquid Waste Commission, Transportation Commission, and Parks and Recreation Commission, and Economic Sustainability Commission will be dissolved, with the current scope of authority falling to the LCC.

A number of other commissions with varying levels of delegated authority are already in place on Salt Spring Island, and throughout the CRD. CRD has authority under the *LGA* to create commissions that are delegated the powers, duties and functions of the Regional Board. One fundamental difference is that a non-LCC commission has appointed, rather than elected, membership, giving additional flexibility relating to appointments, and costly elections can be avoided. A benefit of a non-LCC commission is that its membership can be structured in creative ways defined by bylaw, to ensure its members provide a full range of community representation, such as including representation from interested First Nations, public authorities, community groups, or individual residents of a sub-local area. This is not possible with an LCC where the commissioners are elected and remunerated. That said, unlike an LCC, a traditional delegated commission created by bylaw may be altered or amended without an elector approval process. The process of elector assent to create the LCC and election of LCC commissioners does allow the maximum level of community input into creating a commission.

Financial Implications

There will be added administration and legislative services support if an LCC is established. An LCC will have commissioner remuneration and expenses and costs related to technological requirements. Capital upgrades may be required for SSI meeting facilities to facilitate public participation by webcasting and to allow for electronic meetings. It is anticipated that some of the legislative and administration support costs will be offset by dissolving some of the existing Commissions, however it is expected that there will be a significant increase in the activity of the LCC with respect to the additional number of other services included in their oversight.

The preliminary estimate for additional staffing, elections, remuneration, equipment, software and establishing an election and equipment replacement reserves are outlined below. Some of these costs are one-time costs and others are ongoing costs. LCC ongoing costs will be pro-rated depending on the timing of an election in 2023.

Costs	One-Time	Ongoing
1.2 FTE		\$106,110
Election	\$60,000	
Election reserve		\$15,000
Commissioner remuneration		\$40,000
Tablets	\$10,000	
Software		\$2,500
Transfer to equipment replacement reserve		\$5,000
Sub-total	\$70,000	\$168,610

Service Delivery Implications

The LCC will have purchasing authority in conjunction with the authority already delegated to staff by the Regional Board. It will also oversee approvals of grants-in-aid currently delegated to the Chief Financial Officer and Chief Administrative Officer, on the recommendation of the Electoral Area Director.

CONCLUSION

The creation of a local community commission for Salt Spring Island will permit greater elected representation for the electoral area and greater involvement in the administration of island-wide services, with the potential for elected members to advise on other on-island services or issues. The creation of such a commission is subject to elector assent or referendum vote.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board that:

1. Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", be introduced and read a first, second, and third time;
2. That CRD staff be directed to implement the elector approval process by way of referendum;
3. That Kristen Morley be appointed Chief Election Officer with the power to appoint one or more Deputy Chief Election Officer(s);
4. That the wording of the referendum question for the purposes of the ballot shall be as follows:

Are you in favour of the Capital Regional District Board adopting Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022", authorizing the establishment of a local community commission for the Salt Spring Island Electoral Area, to be comprised of four elected commissioners and the Electoral Area Director, to oversee and advise on economic development, wastewater disposal, community parks and recreation, small craft harbour facilities, transit and transportation, street lighting, grants-in-aid, compensation for livestock injured by dogs, and the contribution services for arts, public library, and search and rescue?

YES or NO?

5. That general voting be held on Saturday, October 15, 2022, with Advance Voting opportunities held on dates and voting places to be determined by the Chief Election Officer;
6. That the synopsis of Bylaw No. 4507, attached as Appendix B, be approved for advertising purposes.
7. That Bylaw No. 4508, "Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022", be introduced and read a first, second, and third time.

Submitted by:	Karla Campbell, MBA, BPA, Senior Manager, Salt Spring Island Electoral Area
Concurrence:	Steven Carey, B.Sc, J.D., Acting General Manager, Corporate Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022"

Appendix B: Synopsis of Bylaw No. 4507

Appendix C: Bylaw No. 4508, "Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022"

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4507**

**A BYLAW TO ESTABLISH A LOCAL COMMUNITY COMMISSION FOR
SALT SPRING ISLAND**

WHEREAS:

- A. Salt Spring Island Electoral Area has a number of local, sub-regional, and island-wide services;
- B. Under the *Local Government Act*, RSBC 2015 c 1, a regional district may establish, by bylaw, one or more local communities to be administered by local community commission, provided the electors in the area of the local community assent to the creation of the commission;
- C. The Capital Regional District Board wishes to establish a local community commission for Salt Spring Island, with the scope of authority as set out in this bylaw and such other bylaws as adopted from time to time;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

CREATION OF LOCAL COMMUNITY COMMISSION

1. A local community is hereby established, to be known as "Salt Spring Island", and a local community commission is hereby established, to be known as the "Salt Spring Island Local Community Commission" (hereinafter the "Commission").

BOUNDARIES

2. The boundaries of the Salt Spring Island local community are those of the Salt Spring Island Electoral Area.

SCOPE OF AUTHORITY

3. Subject to the policies and procedures of the Regional Board and limitations in its bylaws and the *Local Government Act*, the Commission may oversee and exercise powers and duties as set out by bylaw in relation to the following Salt Spring Island services:
 - (a) Economic development as set out in Bylaw No. 1824, "Economic Development Commission Establishing Bylaw No. 1, 1990", as it relates to Salt Spring Island;
 - (b) Wastewater disposal set out in Bylaw No. 2118, "Salt Spring Island Liquid Waste Disposal Additional Local Service Establishment Bylaw No. 1, 1993";
 - (c) Community parks service continued under Bylaw No. 4149, "Salt Spring Island Community Parks Services Conversion Bylaw No. 1, 2017";
 - (d) Community recreation service continued under Bylaw No. 4151, "Salt Spring Island Community Recreation Services Conversion Bylaw No. 1, 2017";
 - (e) Indoor swimming pool service in Bylaw No. 3206, "Salt Spring Indoor Swimming Pool Facility Service Establishment Bylaw No. 1, 2004";

- (f) Community parks and recreation facilities in Bylaw No. 2422, "Salt Spring Island Parks and Recreation Facilities Local Service Establishment Bylaw No. 1, 1996";
- (g) The Salt Spring Island Small Craft Harbour Facilities local service set out in Bylaw No. 2730, "Small Craft Harbour Facilities (Salt Spring Island) Local Service Establishment Bylaw No. 1, 1999";
- (h) Transportation service established under Bylaw No. 3438, "Salt Spring Island Community Transit and Transportation Service Establishment Bylaw No. 1, 2007";
- (i) Street lighting under Bylaw No. 3746, "Salt Spring Island Street Lighting Service Establishment Bylaw No. 1, 2011";
- (j) The issuance of grants-in-aid for Salt Spring Island initiatives under Supplementary Letters Patent Division XIX, OIC 1013/1977, subject always to the restriction on assistance to business under the *Local Government Act*;
- (k) Determination of compensation for livestock injury by dogs under Bylaw No. 4418, "Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021";
- (l) The arts contribution service set out in Bylaw No. 3116, "Salt Spring Island Arts Contribution Service Establishing Bylaw No. 1, 2003";
- (m) The Salt Spring Island Public Library local service set out in Bylaw No. 2725, "Salt Spring Island Public Library Local Service Area Establishment Bylaw No. 1, 1999";
- (n) The Salt Spring Island Search and Rescue contribution as set out in Bylaw No. 3494, "Salt Spring Island Search and Rescue Service Establishment Bylaw, 2007";

ADVISORY COMMITTEES

- 4. The Commission may create advisory bodies, subject to prior approval of the Regional Board.

LOCAL COMMUNITY COMMISSION & ELECTORAL AREA DIRECTOR

- 5. The Electoral Area Director may consult with the Commission on matters of local importance, but is not bound by that advice or direction. The Commission cannot restrict the Electoral Area Director's decision-making authority at the Regional Board.

ELIGIBILITY

- 6. To be eligible for election as a commissioner, individuals must be eligible as a director under the *Local Government Act*.

COMPOSITION & TERM

- 7. The Commission shall have the following number of voting members, each having one vote:
 - (a) The Salt Spring Island Electoral Area Director; and
 - (b) Four individuals qualified in accordance with this bylaw to act as commissioners.
- 8. Subject to vacancies before the end of a commissioner's term, the local community shall elect commissioners at the end of each four year term in accordance with the manner provided in Part 3 [*Electors and Elections*] of the *Local Government Act*.

9. In the event of a vacancy before the end of a commissioner's term, the Regional Board may choose one of the following methods to fill the vacancy, considering the cost of a formal election to the local service area and the length of time before a general voting day:
 - (a) A by-election in accordance with the *Local Government Act*;
 - (b) Voting by mail, to the exclusion of an in-person general voting opportunity;
 - (c) After a 30 day public advertisement period soliciting public interest, and on considering recommendations of the local community commission, appointment by the Regional Board of a qualified individual for the remainder of the vacated term.
10. Commissioners are not permitted to appoint an alternate to act in their absence.

REMUNERATION AND EXPENSES

11. Commissioners shall receive an annual stipend or payment per meeting, and shall be reimbursed for necessary expenses incurred in the course of carrying out Commission business, as per applicable CRD Board policies.

DEATH, RESIGNATION, DISQUALIFICATION AND TERMINATION

12. A commissioner's appointment ends on the end of election term; resignation; death; incapacity; or ceasing to be qualified as a commissioner.
13. Resignation is effective on receipt of written notice of resignation to the Regional District's Corporate Officer.

ABSENCES

14. If a commissioner is absent for more than four consecutive regularly scheduled commission meetings or 60 consecutive days, subject to leave of the Regional Board or illness or injury, the commissioner may be removed by the Regional Board.

CONDUCT OF MEETINGS AND QUORUM

15. A quorum of the Commission is a majority of its members.
16. Regular meetings shall be held once per month at a time and date set by resolution of the Commission, in consultation with Regional District staff.
17. The Commission shall observe at its meetings the procedural rules set out in Bylaw No. 3828, "Capital Regional District Board Procedures Bylaw, 2012" (the "CRD Procedures Bylaw").
18. Each Commissioner shall have one vote.
19. The rules, policies, procedures and bylaws which govern the Regional Board shall apply to the Commission where applicable.
20. All meetings of the Commission must be held in a public facility and must be open to the public. Meetings may be closed, where authorized by law.
21. The Commission may meet by electronic means, where the requirements in the CRD Procedures Bylaw are met.
22. If, as a result of members of the Commission declaring a conflict of interest in relation to a matter, and as a consequence, there is no longer a quorum of members of the Commission to decide on a particular issue, the issue shall be referred to the Regional Board for a decision.

ANNUAL MEETING & OFFICERS

23. On or before the last day of January of each year, the Commission shall hold an annual meeting (the "Annual Meeting") for the purpose of electing a Chair and Vice-Chair from among its number, to hold such office until the next Annual Meeting. Voting shall be by show of hands, or, if a secret ballot is requested by a member present, by secret ballot.
24. In the event of a vacancy of an officer, the Commission may, by the methods set out in section 23, select another commissioner to fill the vacant officer role until the next Annual Meeting.

RECORD KEEPING

25. The Commission shall comply with all public record keeping requirements under the *Community Charter, Local Government Act*, and other applicable legislation.

CITATION

26. This bylaw may be cited for all purposes as "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
APPROVED BY ELECTOR ASSENT THIS	th	day of	20__
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

Synopsis of Bylaw No. 4507, “Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022”

Bylaw No. 4507 would establish Salt Spring Island as a local community governed by a “local community commission” or “LCC”, a body of elected officials with the authority to administer a scope of Salt Spring Island-specific services in place of the Capital Regional District Board or other CRD commissions. The proposed LCC is made up of four individuals elected by the Salt Spring Island electors, as well as the Electoral Area Director. The individuals are elected on a general voting day, typically the same as that of the Electoral Area Director, and hold office for a similar term.

The proposed services which the LCC would oversee and advise on are as follows:

- Economic development;
- Island-wide wastewater disposal;
- Community parks and recreation;
- Pool facility
- Parks and recreation facilities;
- Small craft harbour facilities (Fernwood Dock);
- Transit and Transportation services;
- Street lighting;
- Grants-in-aid;
- Compensation for livestock injury by dogs;
- Salt Spring Island arts, public library, and search and rescue contribution services.

Please note that this synopsis of Bylaw No. 4507 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at CRD’s Salt Spring Island Administration Office, 108-121 McPhillips Avenue, or at CRD’s Victoria Office, 625 Fisgard Street. The bylaw and other information may also be viewed at www.crd.bc.ca.

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4508**

**A BYLAW TO DELEGATE POWERS TO THE
SALT SPRING ISLAND LOCAL COMMUNITY COMMISSION**

WHEREAS:

- A. Salt Spring Island Electoral Area has a number of local, sub-regional, and island-wide services;
- B. Under the *Local Government Act*, RSBC 2015 c 1, a regional district may establish, by bylaw, one or more local communities to be administered by local community commission, provided the electors in the area of the local community assent to the creation of the commission and has done so under Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022";
- C. The Capital Regional District Board wishes to delegate, by bylaw adopted by at least two-thirds of the votes cast pursuant to the *Local Government Act*, certain of its powers, duties and functions to the local community commission, with the scope of authority as set out in this bylaw and such other bylaws as adopted from time to time;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

DELEGATION TO LOCAL COMMUNITY COMMISSION

- 1. This bylaw describes the delegation of powers, duties and functions in relation to services within the scope of authority of the Salt Spring Island Local Community Commission, as established by Bylaw No. 4507, "Salt Spring Island Local Community Commission Establishment Bylaw No. 1, 2022" (the "Commission").
- 2. For clarity, subject to the *Local Government Act*, R.S.B.C. 2015 c. 1, unless a power, duty or function of the Capital Regional District Board has been expressly delegated by this bylaw or another CRD bylaw, all the powers, duties and functions of the CRD Board remain with the CRD Board, and the Commission may not further delegate powers, duties, or functions to another individual or body. Individual Commissioners have no delegated authority outside the body of the Commission in open meeting assembled, acting as a whole.

ADMINISTRATIVE AUTHORITY

- 3. The Regional Board hereby delegates to the Commission the powers of the Regional Board with respect to the development, maintenance and operation of the services listed as administrative in Schedule "A". Administrative authority includes the following:
 - (a) Authorize entering into agreements respecting the undertaking, provision and operation of the District's works and services;
 - (b) Identification and creation of strategic plans and priorities, and service-specific operational policies;
 - (c) Recommending to the Regional Board user fees and charges to be established by bylaw;
 - (d) Direction on maintenance of property or interests in property managed by the service;

- (e) Authorize acquisition and disposition of property or an interest in property subject to approved financial plans and in accordance with sections 12 and 13 of this Bylaw;
- (f) Review and provide direction on annual budgets each year by no later than September 15, or such other date as set by the District's Chief Financial Officer, for Regional Board consideration and approval; and
- (g) Consideration of matters referred to the Commission by the Regional Board.

ADVISORY AUTHORITY

- 4. The Regional Board hereby delegates to the Commission advisory authority, including recommending annual budget and scope of services, if applicable, for those services listed as advisory in Schedule "A".
- 5. The Commission may be referred other matters by the Regional Board.

LIMITS ON DELEGATION

- 6. The delegation of authority under this bylaw is subject to the following requirements:
 - (a) Agreements must comply with purchasing policies and procedures of the Regional Board;
 - (b) Revenues and expenditures must be included in the approved annual financial plan for the service;
 - (c) Delegation to the Commission does not derogate from the delegations of authority to officers and employees contained in Bylaw No. 3343, "Officers', General Managers' and Management Staff's Bylaw No. 1, 2006", Bylaw No. 4186, "Capital Regional District Delegation Bylaw No. 1, 2001", and other delegation instruments.
- 7. The delegation of authority set out in the bylaw does not include:
 - (a) The ability to commence, settle, compromise, or initiate litigation, court, arbitration, mediation, or other proceedings;
 - (b) The ability to amend, disregard, set, or alter the Board or administrative policies and procedures of the Regional Board as they relate to procurement, purchasing, financial planning, or otherwise; or
 - (c) Those matters unable to be delegated per s. 229(2) of the *Local Government Act*, including the ability to pass bylaws, regulations, or fetter the discretion of the Regional Board as it relates to items it is unable to delegate under the *Local Government Act*.

ACQUISITION & DISPOSITION OF PROPERTY

- 8. Any facilities or equipment acquired by the Commission for services must be acquired in the name of the Regional District and shall be the property of the Regional District.
- 9. Where a service may accept revenues from other sources, such as gift and enterprise, such revenues shall be managed, solicited, and accepted by the service in accordance with Regional District practice, policies, and bylaws, as applicable.

CITATION

10. This bylaw may be cited for all purposes as “Salt Spring Island Local Community Commission Delegation Bylaw No. 1, 2022”.

READ A FIRST TIME THIS _____th _____ day of _____ 20__

READ A SECOND TIME THIS _____th _____ day of _____ 20__

READ A THIRD TIME THIS _____th _____ day of _____ 20__

ADOPTED THIS _____th _____ day of _____ 20__

CHAIR

CORPORATE OFFICER

SCHEDULE “A”

Administrative Authority

- (a) Economic development as set out in Bylaw No. 1824, “Economic Development Commission Establishing Bylaw No. 1, 1990”, as it relates to Salt Spring Island;
- (b) Wastewater disposal as set out in Bylaw No. 2118, “Salt Spring Island Liquid Waste Disposal Additional Local Service Establishment Bylaw No. 1, 1993”;
- (c) Community parks service continued under Bylaw No. 4149, “Salt Spring Island Community Parks Services Conversion Bylaw No. 1, 2017”;
- (d) Community recreation service continued under Bylaw No. 4151, “Salt Spring Island Community Recreation Services Conversion Bylaw No. 1, 2017”;
- (e) Indoor swimming pool service in Bylaw No. 3206, “Salt Spring Indoor Swimming Pool Facility Service Establishment Bylaw No. 1, 2004”;
- (f) Community parks and recreation facilities in Bylaw No. 2422, “Salt Spring Island Parks and Recreation Facilities Local Service Establishment Bylaw No. 1, 1996”;
- (g) The Salt Spring Island Small Craft Harbour Facilities local service set out in Bylaw No. 2730, “Small Craft Harbour Facilities (Salt Spring Island) Local Service Establishment Bylaw No. 1, 1999”;
- (h) Transportation service established under Bylaw No. 3438, “Salt Spring Island Community Transit and Transportation Service Establishment Bylaw No. 1, 2007”;
- (i) Street lighting under Bylaw No. 3746, “Salt Spring Island Street Lighting Service Establishment Bylaw No. 1, 2011”;
- (j) The issuance of grants-in-aid for Salt Spring Island initiatives under Supplementary Letters Patent Division XIX, OIC 1013/1977, subject always to the restriction on assistance to business under the *Local Government Act*;
- (k) Determination of compensation for livestock injury by dogs under Bylaw No. 4418, “Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021”;

Advisory Authority

- (a) The arts contribution service set out in Bylaw No. 3116, “Salt Spring Island Arts Contribution Service Establishing Bylaw No. 1, 2003”;
- (b) The Salt Spring Island Public Library local service set out in Bylaw No. 2725, “Salt Spring Island Public Library Local Service Area Establishment Bylaw No. 1, 1999”; and
- (c) Salt Spring Island Search and Rescue contribution as set out in Bylaw No. 3494, “Salt Spring Island Search and Rescue Service Establishment Bylaw, 2007”.



Making a difference...together

**REPORT TO THE ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JULY 13, 2022**

SUBJECT **Upgrade of Cooling System for the Salt Spring Island Public Library**

ISSUE

To upgrade the cooling system at the Salt Spring Island Public Library to prepare for the eventuality of it being used as a “cooling centre” in the event of a heat event.

BACKGROUND

The Salt Spring Island (SSI) Public Library can be considered as a potential “cooling centre” in the event of a heat event. Its central location combined with the physical area of the building makes it ideal for this purpose and is indeed the only suitable public building on SSI.

Work has been done on the engineering and design of the cooling system upgrade and a quote on the equipment supply, installation and construction work was obtained in February of 2022. The quotation for construction exceeded the budget in the five year capital plan. The contractor has been contacted recently and confirmed their pricing as well as their capacity to execute the work in the near term. There is some urgency to complete the project given that heat event season is upon us. Given the lack of response to the original RFQ and the relative urgency to execute the project there is no time to re-issue the RFQ.

ECONOMIC IMPLICATIONS

Financial Implications

The original budget for this project is \$102,500 and funded by \$95,000 grant from the Community Works Fund (CWF) and \$7,500 from the Capital Reserve Fund (CRF). The quote for construction is \$159,250. A breakdown of the additional funds required is shown below.

Salt Spring Island – Cooling System Upgrade Project	Amount \$
Construction and Installation	\$159,250
Contingency of 10%	\$15,900
CRD Project Management & Administration at 10%	\$17,500
Construction Administration	\$2,500
Total Revised Project Budget	\$195,150
Original Project Budget Approved in 2022 Capital Plan	\$102,500
Additional Funds Required	\$92,650

The additional project budget of \$92,650 will be funded by the combination of CWF (\$60,000) and CRF (\$32,650). The estimated remaining balance of the CRF after funding this project will be approximately \$41,300.

ALTERNATIVES

Alternative 1

That the Electoral Areas Committee recommends the Capital Regional District Board that:

The Salt Spring Island Library Service 2022 Capital Plan to be amended to increase the Cooling System Upgrade Project budget from \$102,500 to 195,150. The additional budget of \$92,650 is to be funded from Community Work Fund (\$60,000) and the service Capital Reserve Fund (\$32,650).

Alternative 2

That this report be referred back to staff for more information.

CONCLUSION

In order to establish a suitable cooling centre on Salt Spring Island in a timely manner, additional funds will be required to complete the planned cooling system upgrade to the public library. CRF funds are available for a portion of the requirement with the balance to be funded by a CWF grant. Given that the heat event season is already here, there is no time to solicit additional proposals so the CRD must proceed with the one proposal currently in hand.

RECOMMENDATION

That the Electoral Areas Committee recommends the Capital Regional District Board that:

The Salt Spring Island Library Service 2022 Capital Plan to be amended to increase the Cooling System Upgrade Project budget from \$102,500 to 195,150. The additional budget of \$92,650 is to be funded from Community Work Fund (\$60,000) and the service Capital Reserve Fund (\$32,650).

Submitted by:	Karla Campbell, MBA, BPA, Senior Manager, Salt Spring Island Administration
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, Acting Chief Administrative Officer



Making a difference...together

MINUTES OF A MEETING OF THE Lyall Harbour Boot Cove Water Local Service Committee, held Thursday, February 24, 2022 at 9:30 a.m., In the Goldstream Room, 479 Island Highway, Victoria, BC

PRESENT: **Committee Members:** J. Crerar (Chair); J. Money; A. Olsen; I. Rowe (EP); J. Sabre-Makofka (EP); P. Brent (EP) for D. Howe, Electoral Area Director

Staff: J. Marr, Acting Senior Manager, Infrastructure Engineering; M. McCrank, Senior Manager, Wastewater Infrastructure Operations; C. Moch, Manager, Water Quality Operations; D. Puskas, Manager, Capital Projects; D. Robson, Manager, Saanich Peninsula and Gulf Islands Operations; D. Dionne, Administrative Coordinator; M. Risvold, Committee and Administrative Clerk (Recorder)

REGRETS:

EP = Electronic Participation

The meeting was called to order at 9:31.

1. ELECTION OF CHAIR

The Acting Senior Manager called for nominations for the position of Chair of the Lyall Harbour/Boot Cove Water Local Service Committee for the term ending December 31, 2022.

J. Money nominated J. Crerar. J. Crerar accepted the nomination.

The Acting Senior Manager called for nominations a second time.

The Acting Senior Manager called for nominations a third and final time.

Hearing no further nominations, the Acting Senior Manager declared J. Crerar Chair of the Lyall Harbour/Boot Cove Water Local Service Committee for the term ending December 31, 2022 by acclamation.

2. APPROVAL OF AGENDA

MOVED by A. Olsen, **SECONDED** by J. Sabre-Makofka,
That the agenda be approved.

CARRIED

3. ADOPTION OF MINUTES

MOVED by J. Money, **SECONDED** by J. Sabre-Makofka,
That the minutes of the October 25, 2021 meeting be adopted.

CARRIED

4. CHAIR'S REMARKS

The Chair thanked everyone for attending the meeting and provided the following remarks:

- Concern regarding the current boil water advisory.
- The turbidity research began with the University of Victoria (UVic).
- Key road area washout linking the reservoir and water treatment plant, which was repaired quickly.
- Thanked staff for sending out monthly notices to the community.
- Thanked staff for supporting the Lyall Harbour/Boot Cove water system.
- Thanked Director Howe for the grant covering costs for the upgrades.

5. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

6. SENIOR MANAGER'S REPORT

J. Marr provided the committee meeting schedule for the year advising there will be three meetings held in 2022. The meetings will be held in the months of February, June and September. Additional meetings remain at the call of the Chair.

7. COMMISSION BUSINESS

7.1. Project and Operations Update

D. Puskas provided the Capital Project update.

Staff responded to questions from the committee in regard to the Pressure Release Valve (PRV) Bypass Assembly Replacement project and the Dam Improvements & Regulatory Requirements project. Staff advised the projects will be completed separately due to being different natures of work. Dam requirements are not necessarily associated with turbidity, and the work is required regardless of the results provided from the UVic study. The dam safety project will likely augment the water supply, and staff will review the data to determine the treatments required. As the project is funded by the Community Works Fund, a consultant and contractor will be overseeing the project. Notice will be sent to the public if there will be any interruptions to the water service, and there will be a contingency in place in the event the service will be interrupted beyond one day. Discussion ensued.

M. McCrank provided the Operations update.

Staff responded to a question from the committee in regard to leak detection, and advised efforts are being made to remind the public to monitor for leaks. Zone meters and pressure release valves are used to determine where leaks occur. A warning is sent to users when consumption levels increase, suggesting the user checks for leaks.

Staff noted the colour of water is not a health parameter. The turbidity meter detects suspended particles and can be influenced by dissolved organics that create the water colour, and can result in an inaccurate reading. In addition, iron and manganese can contribute to water colour. Staff discussed the possibility of desalination, a dissolved air filtration plant or advanced filtration process to aid water quality issues. Consultants will

make recommendations based on data provided and help determine treatments. There have not been any toxin productions, and testing will be conducted if there is any risk of toxins.

MOVED by J. Money, **SECONDED** by A. Olsen,
The Lyall Harbour Boot Cove Water Local Service Committee receives this report for information.

CARRIED

8. CORRESPONDENCE

There was no correspondence.

9. NEW BUSINESS

Discussion ensued regarding the Alternate Approval Process scheduled for 2023 as outlined on the five year capital plan. Staff will provide further information about the process to the committee at the next scheduled meeting.

10. ADJOURNMENT

MOVED by A. Olsen, **SECONDED** by J. Sabre-Makofka,
That the February 24, 2022 meeting be adjourned at 10:47.

CARRIED

CHAIR

SECRETARY



Making a difference...together

MINUTES OF A MEETING OF THE Magic Lake Estates Water and Sewer Committee, held Tuesday, May 10, 2022 at 9:30 a.m., In the Goldstream Conference Room, 479 Island Highway, Victoria, BC

PRESENT: **Committee Members:** M. Fossil (Chair); J. Deschenes (Vice Chair) (EP) (9:57 am); W. Foster; K. Heslop; D. Reed; R. Sullivan (EP); P. Brent for D. Howe (EP)

Staff: I. Jesney, Senior Manager, Infrastructure Engineering; M. McCrank, Senior Manager, Wastewater Infrastructure Operations; M. Cowley, Manager, Regional Wastewater; M. Risvold, Committee and Administrative Clerk (Recorder)

REGRETS: D. Howe, Electoral Area Director

EP = Electronic Participation

The meeting was called to order at 9:33 am.

1. APPROVAL OF AGENDA

MOVED by K. Heslop, **SECONDED** by W. Foster,
That the agenda be approved.

CARRIED

2. ADOPTION OF MINUTES

MOVED by K. Heslop, **SECONDED** by P. Brent,
That the minutes of the March 8, 2022 meeting be adopted.

CARRIED

3. CHAIR'S REMARKS

The Chair welcomed R. Sullivan to the committee.

4. PRESENTATIONS/DELEGATIONS

There were no presentations or delegations.

5. COMMITTEE BUSINESS

5.1. Project and Operations Update

I. Jesney introduced the Project and Operations Report, and provided the capital projects update.

Staff responded to a question from the committee regarding the Process Pipe Replacement Project. Staff advised the project covers quality control of the welding on the pipe, and the pipe has been replaced where necessary. Remaining funds from the settlement for the project have been placed in a special capital reserve at the committee's recommendation.

M. McCrank provided the Operations update.

Discussion ensued regarding a change to the water chlorine dosage.

M. Cowley provided the wastewater update.

Discussion ensued regarding:

- Pump station and treatment plant conceptual design
- The four wastewater treatment technology options
- Treatment of the wastewater
- Method of disinfection for the effluent

M. McCrank provided the Operational Wastewater update.

The report was received for information.

5.2. Discussion on investigating and mitigating the loss of 1/3 of treated water as per the last annual report

Staff provided examples of contributing factors that can attribute to water loss. There are currently no apparent leaks in the water system, and it is not recommended to replace the system.

Discussion ensued regarding:

- Potential of installing zone meters
- Demand management
- Increasing population
- Conservation efforts

Staff advised that the annual report provides seven years of data, including water loss, and that the report will be presented to the committee at the next meeting. The report will also be published on the Capital Regional District (CRD) website in June.

5.3. Discussion regarding garburator use impacts on the sewage system

Staff advised garburators do not use a significant amount of water, and the use of garburators is incorporated into the provincial building code. When garburators are used, there is increased loading by putting organic matter into the wastewater treatment plant. Staff noted that composting is advisable for green waste. Staff will investigate the possibility of including a message on water bills regarding the use of garburators.

6. CORRESPONDENCE

There was no correspondence.

7. NEW BUSINESS

I. Jesney advised the current Manager, Capital Projects is leaving the CRD effective June 10, 2022.

The committee queried having additional water tests completed to achieve a baseline of levels in the event there is an algae bloom.

8. ADJOURNMENT

MOVED by W. Foster, **SECONDED** by D. Reed,
That the May 10, 2022 meeting be adjourned at 10:33 am.

CARRIED

CHAIR

SECRETARY



Minutes for a meeting of the Mayne Island Parks and Recreation Commission at the Community Centre on May 12, 2022 at 3:00 pm.

PRESENT: Debra Bell (Chair/Treasurer) Michael Kilpatrick (Vice-Chair)
Peter Askin Veronica Euper
Adrian Wright Kestutis Banelis
Jane Schneider Lauren Edwards (Recorder)

ABSENT: David Howe, Director, CRD, Southern Gulf Islands

The meeting was called to order at 3:00 pm

1. Territorial Acknowledgement

It was acknowledged that the meeting was held in the traditional territory of the people of the Coast Salish First Nations.

2. Approval of Agenda

By unanimous consent the agenda was approved as presented.

3. Adoption of Minutes of April 14, 2022

By unanimous consent the minutes of April 14, 2022 were approved as presented.

4. Chair's Remarks

None

5. Reports

5.1. Treasurer's Report

5.1.1. Treasurer's Report for the period March 1 - 31, 2022

MOVED by Commissioner Bell and **SECONDED** by Commissioner Euper,
That the Treasurer's report for the period March 1 to 31, 2022 be approved as presented.
CARRIED

It was reported that the Japanese Garden Christmas lights were replaced with LED lights which lowered hydro costs.

Mayne Island Parks and Recreation Commission
Minutes for May 12, 2022

5.2. Administration

5.2.1. Follow up Action Report (not covered elsewhere)

Location of next meeting:

MOVED by Commissioner Bell and **SECONDED** by Commissioner Banelis, that the Mayne Island Parks and Recreation Commission meetings be moved to the library indoors commencing with the June meeting.

CARRIED

Opposed: Commissioner Euper

5.2.2. Occupational Health and Safety (OHS)

- Commissioner Bell will forward the CRD's Annual Report which highlighted that the CRD was commended for their OHS procedures in the workplace.
- It was discussed and agreed to add OHS as a standing agenda item.
- It was reported that further enquiries were being made by Justine Starke, that WorkSafe does not apply to volunteers and that CRD should have a program for contractors similar to employees.
- It was reported that hazardous materials are not stored on MIPRC sites and discussed WHMIS best practice implementation. Commissioner Banelis will speak with Bill Warning about the stored water treatment materials.
- Commissioner Wright will check on the laminated reference sheets in the library basement.
- It was confirmed that the library basement is locked.

5.2.3. Review and Approve Supplement to the Commissioner's Handbook

When the hazard tree policy statement is completed, Commissioner Bell will issue an updated draft to be approved by motion.

5.2.4. Trail/parking lot tree and safety policy statement and assessment program

- A policy statement was developed for the removal of hazardous trees.
- Discussed supporting documents which would include a tree fall checklist for trail volunteers as well as status logs.
- Material disposal was discussed and it was agreed that chipping sized branches will be removed to an open area and the bulk of the trunk will be left to decompose.
- Discussed adding additional policies and guidelines to the program for disposal practice.
- Commissioner Bell will seek guidance from CRD and reported that Ross Cameron, CRD, complimented the work was well done and he recommended that arborists' documents are kept and that photographs are taken.

5.2.5. Upcoming events/sponsored activities

- Volleyball - no date
- Photo walk continues.

Mayne Island Parks and Recreation Commission
Minutes for May 12, 2022

- Discussed and confirmed that MIPRC will provide ice cream at the upcoming Canada Day event at Miners Bay Park to be organized by Commissioner Schneider supported by Commissioner Euper.

5.2.6. Commissioner Retreat

The Saturna Island commissioners retreat was discussed and confirmed for June 10th from 9:30 am to 4:00 pm.

5.3. Committees

5.3.1. Information Technology

It was reported that

- Further progress on the website will not occur until summer.
- CRD will investigate e-transfers.

5.3.2. Fitness Track

Position report/accessibility guidelines:

- Information and materials are pending.
- Tim Begley agreed to act as a consultant.
- It was commented that Burnaby received a grant and used concrete and recycled tires for surfacing which looked nice in a natural setting.

5.3.3. Sanitation

- A new contractor has been hired.
- A report on StreamLine plumbing progress was provided.
- It was discussed and agreed that septic pump-outs for Miners Bay and Dinner Bay can wait another year.
- The request for the Chamber of Commerce support for the Miners Bay washroom will be after the new board is in place in June.

MOVED by Commissioner Bell and **SECONDED** by Commissioner Schneider, that Mayne Island Parks and Recreation approved the hiring of the contractor, Jennifer Siemens, who performed janitorial duties for April 2022.

CARRIED

5.3.4. Memorial Plaques

It was discussed and agreed that a new board for memorial plaques will be attached to the back of the notice board at Miners Bay Park.

5.4. Parks

5.4.1. Miners Bay

It was reported that:

- The UV light is up and stabilized.

Mayne Island Parks and Recreation Commission
Minutes for May 12, 2022

- The bandstand floor repair involves two work contracts (cement and brick). Commissioner Banelis will discuss the apron form build with Lance Shook and report back.
- The library window replacement has not been done.
- The final quote was received for the heat pump.

5.4.2.Dinner Bay

It was reported that:

- An injured disc golf tournament player's name should be reported to CRD for insurance purposes.
- The window for the Adachi Pavilion is ready for pick up.
- The playground form should be filled out monthly.
- Tractor servicing was completed and some repairs were done.
- The water tank was repaired.

5.4.3.Japanese Memorial Garden

It was reported that:

- Two engineers were contacted for quotes for the gate.
- 70 people attended the opening of the art show and there were many comments about the Olla display.

5.4.4.Cotton Park

It was reported that:

- One of the windows in garden shed must be replaced.
- Photos and GPS of all the trees with potential for First Nations significance were sent to the CRD archaeologist.

5.4.5.Village Bay Park

It was reported that:

- A lot of work was done to remove the invasive Himalayan blackberry bushes.
- Work is occurring on the boat ramp.

5.4.6.Conconi Reef Park

It was discussed and agreed that commissioners will visit the site.

5.4.7.Trail Network Development

- A report was received for information.
- The efforts to get a replacement staircase for Kippen Road were reported on.
- Two estimates from arborists for work in Cotton Park were provided.
- There is a new template for reporting land altering work for tree removals.
- All the trees on the Cotton Park list with possible evidence of historical First Nation activity were sent to the archaeologist.
- Commissioners were asked to report trees altered in a historic way by First Nations. Such trees might have a strip of bark or a hollow carved in the trunk typically on the north-east side.

Mayne Island Parks and Recreation Commission
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- The trees in Village Bay Park are flagged and will be photographed for the archaeologist.
- Some Village Bay trees require minor maintenance to remove dangerous branches.

5.4.8. Village Bay and David Cove boat ramps

Request for commercial ramp use and signage

Village Bay Boat Ramp:

- It was reported that the Saltspring Propane truck uses the ramp 18-20 times per year as they cannot get to Swartz Bay for the dangerous goods sailing.
- It was reported four of the five people who attended the last meeting of the Association of Mayne Island Boaters (AMIB) were in favour of commercial ramp use.
- Discussed commercial use of the ramp on a case by case basis, the issues of liability insurance and the obligations associated with charging fees.
- It was reported that the Province is seeking information for the purpose of a tenure.
- Commissioner Bell will discuss with Ross Cameron agreement options that will address concerns.

MOVED by Commissioner Bell and **SECONDED** by Commissioner Kilpatrick, that Mayne Island Parks and Recreation Commission permit Catherine Purss to bring her doublewide trailer via barge on the Village Bay boat ramp mid-June 2022 subject to approval by the Capital Regional District and provided that Mayne Island Parks and Recreation is indemnified and released from all claims.

CARRIED

- The pothole was repaired by AMIB and an estimate is being prepared for causeway work.
- AMIB has thoughts on signage to make sure boats have adequate space between the bottom of the boat and the seabed.

6. Correspondence/Meetings

- 6.1. Continued correspondence with CRD, AMIB and DFO re: boat ramp tenure renewal, commercial use and signage.
- 6.2. Email correspondence with AMIB regarding repair work at Village Bay boat ramp.
- 6.3. Email correspondence with possible contractor for Miners Bay bandstand floor.
- 6.4. Email correspondence with Ross Cameron, CRD Risk and Insurance, regarding skylight at Adachi Pavilion.
- 6.5. Email correspondence with StreamLine Plumbing regarding flush and hot water shut off valves.
- 6.6. Email correspondence with the Chamber of Commerce re: timing of support request.
- 6.7. Receipt of new template for Land Altering Work quarterly report from CRD archaeologist.
- 6.8. Email correspondence from CRD providing SGI Transportation Integration Plan updates.

It was reported that:

- The consultant sent out their report.
- This will likely go forward to referendum.
- There is a reference to the Official Community Plan that reads MIPRC should be requested to develop walking trails to create a network for the islands.

**Mayne Island Parks and Recreation Commission
Minutes for May 12, 2022**

6.9. Email correspondence to/from CRD regarding potential for E-transfer for donations.

7. New Business

None.

8. Motion to Close the Meeting in accordance with Community Charter Part 4, Division 3, Section 90(1)(a) and that recorder and staff attend the meeting.

None

9. Rise and Report (If any)

MOVED by Commissioner Bell and **SECONDED** by Commissioner Schneider, that the Mayne Island Parks and Recreation Commission approve the contract between Christie Meers and the Capital Regional District to provide janitorial services to Mayne Island Parks and Recreation Commission on the terms as discussed in the Special Meeting of April 14, 2022.

CARRIED

10. Meeting Adjournment

By general consensus the meeting adjourned at 4:55 pm

Approved

June 9, 2022

Debra Bell, Chair

DATE

Original Signed by

Lauren Edwards, Recorder

Subject: Trail Network Development Committee/Henderson Park/Dangerous Trees: Report for MPRC Meeting on May 12, 2022

Cotton Park dangerous trees: Isl. Arborist and Dr. Daylight are preparing estimates for falling/topping/pruning.

- . Dangerous fir on the spur trail in Henderson Park removed by Isl. Arborist.
- . Village Bay Park dangerous trees: Both Isl. Arborist and Dr. Daylight are preparing estimates for falling/topping/pruning.
- . Conconi Reef Park dangerous fir on property line with (Name deleted): Dr. Daylight will be doing the required topping soon.

The Commission must decide if further location of dangerous trees (with the arborists providing estimates) should be put on hold pending the assessment by the CRD archeologist of dangerous tree already identified.

- . Invasive Himalayan blackberry bushes removed from the foreshore at Village Bay Park. Thank you Adrian, Kestutis & myself. Burning required.
- . Annual maintenance of the Naylor Road Beach Access trail completed with the severe cutting back of the Himalayan Blackberry and spreading wood chips for the entire trail. Thank you Jane, Kestutis, Adrian and myself. Burning should commence soon.
- . Pending: clean-up of organic waste dumped at the Kippen Road Beach Access.
- . Construction of boardwalk on the Doreen McLeod Trail
- . Group tour of Viewpoint Trail in Conconi Reef Park

Best wishes, Peter