



AGENDA REGULAR COUNCIL MEETING

Monday, November 20, 2023

4:00 p.m. To Proceed In Camera, Reconvene Regular Council Meeting 7:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE MEETING TO ORDER:

2. PROCEDURAL MOTION:

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of the Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

Section 90(2):

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

3. INTRODUCTION OF LATE ITEMS:

4. APPROVAL OF THE AGENDA:

5. ADOPTION OF THE MINUTES:

a. Minutes

7 - 10

Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Wednesday, 2023-NOV-01 at 1:00 p.m.

b. Minutes

11 - 21

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, Nanaimo, BC, on Monday, 2023-NOV-06, at 4:30 p.m.

6. MAYOR'S REPORT:

7. RISE AND REPORT:

a. 2024 Vancouver Island Regional Library Board Appointments

During the 2023-NOV-06 In Camera Council Meeting, Council appointed Councillor Hemmens as a trustee to the Vancouver Island Regional Library (VIRL) board and Councillor Eastmure as an alternate for the period January 1 to December 31, 2024.

b. Appointment to the Board of Variance

During the 2023-NOV-06 In Camera Council Meeting, Council appointed Jamie Dubyna to the Board of Variance for a three-year term ending 2026-NOV-06 or until a successor is appointed.

8. PRESENTATIONS:

a. Dr. Derek Poteryko, Medical Director, Nanaimo Community

Dr. Derek Poteryko, Medical Director, Nanaimo Community, to provide an update on the health care challenges in the community.

[Note: PowerPoint to be distributed on the addendum.]

9. COMMITTEE MINUTES:

10. CONSENT ITEMS:

[Note: A link to the 2023-NOV-08 Advisory Committee on Accessibility and Inclusiveness Meeting agenda is attached for information.]

1. Advisory Committee on Accessibility and Inclusiveness Workplan

That Council endorse the Advisory Committee on Accessibility and Inclusiveness 2023-2026 workplan as presented in the report titled "Advisory Committee on Accessibility and Inclusiveness Workplan", dated 2023-NOV-08.

2. Hearing Assistive Device Options for Installation at City Facilities

That Council approve the implementation of the following pilot project subject to funding:

- Installation of a hearing loop at the front counter at two City facilities, and an adaptive soundfield system in the Service and Resource Centre Boardroom; and,
- Direct Staff to return to a Finance and Audit Committee Meeting to determine funding options for the pilot project.

b. Finance and Audit Committee Meeting 2023-NOV-15

[Note: A link to the 2023-NOV-15 Finance and Audit Committee Meeting agenda is attached for information.]

1. Funding Request from CatNap Society

That Council add a decision point for Council consideration to the 2024-2028 Financial Plan deliberations to consider providing ongoing funding to the CatNap Society for animal control services.

2. BC Hydro Sustainable Communities Fund - Mobile Home Park Energy Conservation and Emissions Reduction Strategy

That Council approve using \$15,000 from the Climate Action Reserve Fund to support a joint application to BC Hydro with the Regional District of Nanaimo for a "Mobile Home Park Energy Conservation and Emissions Reduction Strategy".

3. Online Accommodation Platform Funds

That Council allocate Online Accommodation Platform revenue in 2024 as follows:

1. \$438,986 to acquisition of land for affordable housing;
2. \$200,000 for continued support to rent bank and rent

supplement programs; and,

3. \$300,000 for infrastructure and land improvements for BC Housing and City Memorandum of Understanding development projects.

4. Update of Reserve Policy

That Council amend Reserve Policy COU-231 to include the Harewood Centennial Turf Field Reserve Fund.

11. DELEGATIONS:

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| a. | <u>Greg Brown, Brechin Hill Community Association re: Beach Estates Traffic Safety</u> | 24 |
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12. REPORTS:

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| a. | <u>Council Correspondence Policy & Council Support Policy</u> | 25 - 36 |
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To be introduced by Sheila Gurrie, Director, Legislative Services.

Purpose: To establish protocols for handling electronic and paper correspondence addressed to the Mayor and/or Council as well as protocols for responding consistently to groups or organizations that request support from the City of Nanaimo in their endeavors.

Recommendation:

1. That Council endorse COU-238 Council Correspondence Policy as attached to the November 20, 2023, report by the Deputy Corporate Officer.
2. That Council endorse COU-237 Council Support Policy as attached to the November 20, 2023, report by the Deputy Corporate Officer.

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| b. | <u>Building Bylaw Amendments - Introduction of the Certified Professionals Program</u> | 37 - 81 |
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To be introduced by Jeremy Holm, Director, Planning and Development.

Purpose: To introduce amendments to "Building Bylaw 2016 No. 7224" for Council's consideration, including the introduction of the Certified Professional Program and other housekeeping amendments.

Recommendation: That:

1. "Building Amendment Bylaw 2023 No. 7224.06" (to implement a Certified Professional Program; alignment of Professional Practice Guidelines for Retaining Walls; and minor housekeeping items) pass first reading;
2. "Building Amendment Bylaw 2023 No. 7224.06" pass second reading;
3. "Building Amendment Bylaw 2023 No. 7224.06" pass third reading.

- c. Federation of Canadian Municipalities Recommendations
- To be introduced by Sheila Gurrie, Director, Legislative Services.
- [Note: Report to be distributed on the addendum.]
- d. 340 Campbell Street - Acceptance of Project under "Revitalization Tax Exemption Bylaw 2018 No. 7261" 82 - 93
- To be introduced by Bill Corsan, Director, Corporate and Business Development.
- Purpose: To obtain Council approval for a multi-family development at 340 Campbell Street to be included in the Downtown Revitalization Tax Exemption program.*
- Recommendation: That Council approve the Revitalization Tax Exemption Agreement for a proposed multi-family development with no fewer than 160 units at 340 Campbell Street.
- e. Development Permit Application No. DP1303 - 30 Mt Benson Street 94 - 103
- To be introduced by Jeremy Holm, Director, Planning and Development.
- Purpose: To present for Council's consideration a development permit amendment application for overheight walls at 30 Mt Benson Street.*
- Recommendation: That Council issue Development Permit No. DP1303 for an overheight privacy wall and retaining wall at 30 Mt Benson Street with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2023-NOV-20
- f. Emergency Shelter and Warming/Cooling Centre Regulation Enforcement 104 - 110
- To be introduced by Jeremy Holm, Director, Planning and Development.
- Purpose: To present to Council a proposed policy resolution to address the City's liability related to buildings used for emergency shelters and warming/cooling centres that do not meet the requirements in the BC Building Code and BC Fire Code.*
- Recommendation: That Council:
- a. endorse the "Emergency Shelter and Warming/Cooling Centre Regulation Enforcement Policy Resolution" as attached to the 2023-NOV-20 Staff report titled "Emergency Shelter and Warming/Cooling Centre Regulation Enforcement"; and,
 - b. send correspondence to the Minister of Housing and Minister of Social Development and Poverty Reduction regarding the need to protect emergency shelters and warming/cooling centres in Nanaimo that do not meet the requirements of the BC Building Code and BC Fire Code.

13. BYLAWS:

14. NOTICE OF MOTION:

15. OTHER BUSINESS:

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| a. | <u>Letter of Support Request, dated 2023-NOV-06, from Jenny Short, Nanaimo Foodshare Society re: Nanaimo Foodshare's application to the Government of Canada's Youth Employment and Skills Strategy Fund</u> | 111 - 112 |
| b. | <u>Letter of Support Request, dated 2023-NOV-08, from Amy Woermke, Vancouver Island University re: VIU Program for Youth with Disabilities and Other Barriers to Employment</u> | 113 - 114 |
| c. | <u>Letter of Support Request, dated 2023-NOV-15, from Paula Masyk, Nanaimo Foodshare Society re: Nanaimo Foodshare's application for a BC Community Gaming Grant</u> | 115 |

16. QUESTION PERIOD:

17. ADJOURNMENT:



MINUTES
SPECIAL COUNCIL MEETING

Wednesday, November 1, 2023, 1:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

- Members:
- Mayor L. Krog, Chair
 - Councillor S. Armstrong (arrived 1:37 p.m.)
 - Councillor T. Brown* (joined 1:02 p.m.)
 - Councillor H. Eastmure
 - Councillor B. Geselbracht* (joined 1:02 p.m.)
 - Councillor E. Hemmens
 - Councillor P. Manly
 - Councillor J. Perrino
 - Councillor I. Thorpe
- Staff:
- D. Lindsay, Chief Administrative Officer
 - B. Sims, General Manager, Engineering and Public Works
 - T. Doyle, Fire Chief
 - B. Corsan, Director, Corporate and Business Development
 - J. Holm, Director, Planning and Development
 - D. LaBerge, Director, Bylaw Services
 - L. Mercer, Director, Finance
 - L. Brinkman, Manager, Community Planning
 - C. Wood, Social Planner
 - S. Gurrie, Director, Legislative Services*
 - K. Robertson, Deputy Corporate Officer
 - J. Vanderhoef, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Special Council Meeting was called to order at 1:00 p.m.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

2. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

Councillors Brown and Geselbracht joined the meeting electronically at 1:02 p.m.

3. PRESENTATION:

a. Discussion re: Options for a Warming Centre

Introduced by Mayor Krog.

Dale Lindsay, Chief Administrative Officer, noted that Staff were available to answer questions and continue the discussion regarding warming centres which began during the Governance and Priorities Committee (GPC) meeting on 2023-OCT-23.

Laura Mercer, Director, Finance, noted the City currently has a project that is under budget and funding allocated to that project could be made available.

Christy Wood, Social Planner, noted that Staff had presented options regarding warming centres during the Governance and Priorities Committee meeting held on 2023-OCT-23. Staff have been in contact with local service providers to enquire about their capacities for warming centres.

Council and Staff discussion took place regarding options for warming centres and entering into a potential service agreement with Risebridge Society as well as other service providers.

Councillor Armstrong entered the Shaw Auditorium at 1:37 p.m.

It was moved and seconded that Council:

1. Direct Staff to reallocate up to \$230,000 from the Asset Retirement Obligation project surplus to fund warming centre services approximately between November 14, 2023, and March 31, 2024, 7 days per week; and,
2. Authorize the Mayor and Corporate Officer to enter into a service agreement with Risebridge Society to:
 - a. Provide warming centre services during identified service gaps; and,
 - b. Mitigate impacts on the surrounding neighbourhood through good neighbourhood agreement requirements.

It was moved and seconded that the motion be amended to add the following:

- “3. That a further call for expressions of interest be posted for organizations willing and able to run an additional warming centre in Nanaimo; and
4. If an additional site is found, that additional funds be identified.”

The vote was taken on the amendment.

The motion carried unanimously.

The vote was taken on the main motion, as amended, as follows:

That Council:

1. Direct Staff to reallocate up to \$230,000 from the Asset Retirement Obligation project surplus to fund warming centre services approximately between November 14, 2023 and March 31, 2024, 7 days per week; and,
2. Authorize the Mayor and Corporate Officer to enter into a service agreement with Risebridge Society to:
 - a. Provide warming centre services during identified service gaps
 - b. Mitigate impacts on the surrounding neighbourhood through good neighbourhood agreement requirements
3. That a further call for expressions of interest be posted for organizations willing and able to run an additional warming centre in Nanaimo; and
4. If an additional site is found, that additional funds be identified.

The motion, as amended, carried unanimously.

It was moved and seconded that correspondence be sent to Premier Eby outlining:

- the continued and severe health needs of unsheltered populations in Nanaimo; and,
- the community wide need for provincial funding, that matches the scale of the crisis, for programs and shelter space for unsheltered populations in Nanaimo.

The motion carried unanimously.

All staff, with the exception of the Chief Administrative Officer, vacated the Shaw Auditorium at 1:55 p.m.

3. PROCEDURAL MOTION:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and,
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting.

The motion carried unanimously.

Special Council Meeting moved In Camera at 1:57 p.m.

Special Council Meeting moved out of In Camera at 2:50 p.m.

4. ADJOURNMENT:

It was moved and seconded at 2:51 p.m. that the meeting adjourn. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

DEPUTY CORPORATE OFFICER



MINUTES
REGULAR COUNCIL MEETING

Monday, November 6, 2023, 5:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Members: Mayor L. Krog, Chair
Councillor S. Armstrong (arrived 7:00 p.m.)
Councillor T. Brown
Councillor H. Eastmure
Councillor B. Geselbracht
Councillor P. Manly
Councillor J. Perrino* (joined 7:00 p.m.)
Councillor I. Thorpe (arrived 7:33 p.m.)

Absent: Councillor E. Hemmens

Staff: D. Lindsay, Chief Administrative Officer
B. Sims, General Manager, Engineering and Public Works
T. Doyle, Fire Chief
B. Corsan, Director, Corporate and Business Development
J. Holm, Director, Planning and Development
L. Mercer, Director, Finance
J. Van Horne, Director, Human Resources
S. Gurrie, Director, Legislative Services
N. Sponaule, Communications Advisor
J. Tonella, Steno, Legislative Services
J. Vanderhoef, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Regular Council Meeting was called to order at 5:00 p.m.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

2. PROCEDURAL MOTION:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality; and,
- (g) litigation or potential litigation affecting the municipality.

The motion carried unanimously.

Council moved In Camera at 5:01 p.m.

Council moved out of In Camera at 6:15 p.m.

Council recessed the Open Meeting at 6:15 p.m.

Council reconvened the Open Meeting at 7:00 p.m.

Councillor Armstrong entered the Shaw Auditorium at 7:00 p.m.

Councillor Perrino joined the meeting electronically at 7:00 p.m.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 11.b.1 Carolina Ibarra, Ian Scott, Kayla Lilledahl, Pacifica Housing, re: Letter of Support from City of Nanaimo - Add Correspondence dated 2023-OCT-31 re: Letter of Support from City of Nanaimo.
- (b) Add Agenda Item 11(c) – Delegation from David Brooks, Board Chair, and Tinny Lalli, Development Consultant, Ballenas Housing Society, re: Letter of Support.
- (c) Agenda Item 12(a) - Add report titled Nanaimo Fire and Rescue Medical Incident Cost Recovery.

- (d) Agenda Item 13 Bylaws - Add the following bylaws:
 - "Zoning Amendment Bylaw 2023 No. 4500.209"
 - "Highway Closure and Dedication Removal Bylaw 2023 No. 7364"
- (e) Add Agenda Item 15(a) Woodgrove Senior Citizens Housing Society request for letter of support from City of Nanaimo.

4. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2023-OCT-16, at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog advised of the following:

- City is seeking application for the 2024 Social Planning Grants. The deadline for applications is 12 p.m. on 2023-NOV-14
- Work continues on East Wellington Road and the Midtown Water Supply Project. The project timeline has been extended into December due to hard rock where the piping is to be installed
- The City is seeking nominations for the 2024 Culture Awards: Excellence in Culture, Honour in Culture, and Emerging Cultural Leader. The deadline for submissions is 2024-JAN-28
- Visitors to Bowen Park can now enjoy a new temporary art project (by artist Curtis Grahauer) which follows the dynamic changes of the Millstone River
- The City is seeking feedback on accessibility and inclusion. Feedback can be submitted via an online form or by phone
- The City and Regional District of Nanaimo have been awarded a grant to support the Woodgrove Area becoming a complete community
- Remembrance Day is on Saturday, November 11th. Please take time to recognize and remember the sacrifices of soldiers in times of war

7. RISE AND REPORT:

a. Council Appointment to Design Advisory Panel 2024

The Mayor advised that during the 2023-OCT-16 In Camera Council Meeting, Council appointed Councillor Eastmure as the member and Councillor Perrino as the alternate to the Design Advisory Panel for a one-year term to expire on December 31, 2024.

8. PRESENTATIONS:

a. Public Works Association of BC 2023 Awards

Mayor Krog and Meryl Heinz, President, Public Works Association of BC, presented the Public Works Association of BC 2023 Awards. Meryl Heinz provided an overview of the three awards being presented to the City of Nanaimo and Public Works staff members.

Mike Anderson, City of Nanaimo, was recognized for his exemplary leadership and mentorship skills and received the Public Works Association of BC Out Standing Public Works Employee award.

Micheal Olson, City of Nanaimo, was recognized for his passion and enthusiasm and received the Public Works Association of BC Emerging Leader of the Year award.

The City of Nanaimo was recognized with the Project of the Year award for the Bowen Park Trail and Utility Upgrade project.

9. COMMITTEE MINUTES:

The following Committee Minutes were received:

- The minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2023-JUL-17 at 1:00 p.m.
- The minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2023-SEP-13 at 9:00 a.m.
- The minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2023-OCT-18 at 9:00 a.m.

- The minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2023-OCT-23 at 1:01 p.m.

10. **CONSENT ITEMS:**

It was moved and seconded that the following items be adopted by consent:

a. Finance and Audit Committee Meeting 2023-OCT-18

1. 2024 Project Contingency Allocation

That Council:

1. Direct Staff to add a \$870,000 project contingency budget for 2024 to the 2024 – 2028 Provisional Financial Plan funded from 2023 surplus; and,
2. Direct Staff to incorporate the new approach to project contingencies in future Financial Plans.

2. British Columbia Social Procurement Initiative

That the Mayor, on behalf of Council, sign the British Columbia Social Procurement Initiative letter to be sent to the Province of BC in support of grant funding.

3. Debt Management Policy

That Council adopt the COU-234 Debt Management Policy as attached to the report titled “Debt Management Policy” dated 2023-OCT-18.

4. Meal Program Funding Options

That Council:

1. Allocate \$60,000 to extend the existing Breakfast Meal Program contract to 2023-DEC-31, funded by \$52,880 from the Daytime Resource Centre project and \$7,120 from the Strategic Infrastructure Reserve Fund; and,
2. Direct Staff to bring forward a report to Council in December 2023 with the outcome of the Reaching Home Designated Funding Program and the responses received from the Minister of Social Development and Poverty Reduction and the Minister of Housing.

b. Governance and Priorities Committee Meeting 2023-OCT-23

1. Nanaimo 2023-24 Warming Centre Recommendations

That Council release a statement stating the City's need and Council's desire to advocate for funding and let service providers know of the need for warming centres.

2. Public Safety Committee Terms of Reference

That Council adopt the Terms of Reference for a Public Safety Committee (as attached to the report dated 2023-OCT-23, titled "Public Safety Committee Terms of Reference") and direct staff to commence with advertising for membership.

The motion carried unanimously.

c. Separately Addressed Consent Items

1. Finance and Audit Committee Meeting 2023-OCT-18

1.1 Growing Communities Fund Allocations

It was moved and seconded that Council direct Staff:

1. to amend the 2023 – 2027 Financial Plan to allocate \$3,985,000 from the Growing Communities Reserve Fund to increase the budget for Commercial Street Phase 1 in 2023 and accelerate Commercial Street Phase 2 - Skinner to Bastion, to 2023; and,
2. to allocate the Growing Communities Fund monies to the following projects as part of the 2024 – 2028 Financial Plan:
 1. Maffeo Sutton Park Washrooms \$3,000,000
 2. Land Purchase – South End Community Centre \$2,500,000
 3. Westwood Lake Park Improvements - Phase 2 \$1,180,000

The motion carried.

Opposed: Councillor Brown

11. DELEGATIONS:

- a. Michael Bassili, Louis James, Caelen Middleton and Derek Menard re: Strong Towns Nanaimo

Michael Bassili, Louis James, Caelen Middleton and Derek Menard provided a PowerPoint presentation regarding Strong Towns Nanaimo. Highlights included:

- Passionate citizens advocating for a shift in urban design
- Strong Towns reduces urban sprawl and promotes inclusive mixed-use zoning
- Strong Towns core tenets: Oppose auto-oriented development patterns, educate public on safe street design, advocate for complete streets, promote community housing and land for community benefit, advocate for increased public transit investment

- b. Carolina Ibarra, Ian Scott, Kayla Lilledahl, Pacifica Housing, re: Letter of Support from City of Nanaimo

Carolina Ibarra, Ian Scott, Kayla Lilledahl, Pacifica Housing, provided a PowerPoint presentation regarding proposed redevelopment of 309 Hillcrest Avenue and requested Council's support for an application to the BC Housing Community Housing Fund.

- c. David Brooks, Board Chair, Tinny Lalli, Development Consultant, Ballenas Housing Society, re: Letter of Support

David Brooks, Board Chair, and Tinny Lalli, Development Consultant, Ballenas Housing Society, provided a PowerPoint presentation regarding redevelopment of 11 Buttertubs Drive and requested Council's support for an application to the BC Housing Community Housing Fund.

12. REPORTS:

- a. Nanaimo Fire and Rescue Medical Incident Cost Recovery

Introduced by Tim Doyle, Fire Chief.

- Nanaimo Fire Rescue (NFR) has been providing prehospital care for decades which is a common model in Canada and the United States
- It is the responsibility of the Provincial Government to provide prehospital care under the *Emergency Health Act*
- Council has the ability to provide these services under the *Community Charter*

- In 2019 Council approved enhancing services to the emergency medical responder level which is scheduled to complete in 2025
- NFR respond to high acuity calls (immediately life threatening or time critical)
- NFR responds to low-acuity calls if BC Ambulance Services are delayed

Councillor Thorpe entered the Shaw Auditorium at 7:33 p.m.

- Provided statistics regarding calls responded to in recent years
- Noted a drastic increase in drug overdose calls
- Currently approximately 1,500 calls related to overdoses in 2023
- Costs associated with responding to low acuity calls would be approximately \$82,121 (including wages) and if all medical calls are included the number would be \$591,954 (including wages)
- Anticipating calls will continue to increase
- No mechanism in place currently to bill the Province for medical calls
- Option for Council to solicit the Province to develop a funding model to compensate fire departments for providing pre-hospital care/medical incident response services

b. Development Variance Permit Application No. DVP456 - 113 Pirates Lane

Introduced by Jeremy Holm, Director, Planning and Development.

Councillor Manly vacated the Shaw Auditorium at 8:14 p.m.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP456 – 113 Pirates Lane.

No one in attendance wished to speak with respect to DVP456 – 113 Pirates Lane.

It was moved and seconded that Council issue Development Variance Permit No. DVP456 for a proposed addition to a single residential dwelling at 113 Pirates Lane with a variance as outlined in the “Proposed Variance” section of the Staff Report dated 2023-NOV-06. The motion carried unanimously.

Councillor Manly returned to the Shaw Auditorium at 8:15 p.m.

c. Development Permit Application No. DP1277 - 1588 Boundary Crescent

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council issue Development Permit No. DP1277 for a mixed-use development at 1588 Boundary Crescent with variances as outlined in the “Proposed Variances” section of the Staff Report dated 2023-NOV-06. The motion carried unanimously.

d. Development Permit Application No. DP1300 - 3612 Island Highway North

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council issue Development Permit No. DP1300 for an automobile sales and service development at 3612 Island Highway North with variances as outlined in the “Proposed Variances” section of the Staff Report dated 2023-NOV-06. The motion carried.

Opposed: *Councillor Eastmure*

e. Development Permit Application No. DP1305 - 4745 Ledgerwood Road

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council issue Development Permit No. DP1305 for overheight retaining walls at 4745 Ledgerwood Road with variances as outlined in the “Proposed Variances” section of the Staff Report dated 2023-NOV-06. The motion carried unanimously.

f. Rezoning Application No. RA483 - 2265 Ashlee Road

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that “Zoning Amendment Bylaw 2023 No. 4500.217” (to rezone 2265 Ashlee Road from Single Dwelling Residential [R1A] to Duplex Residential [R4]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2023 No. 4500.217” pass second reading, and that Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2023 No. 4500.217” as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2023-NOV-06 should Council support the bylaw at third reading]. The motion carried unanimously.

13. BYLAWS:

- a. "Highway Closure Dedication Removal of Melideo Road and a Portion of Old Victoria Road Bylaw 2023 No 7367"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2023 No. 7367" (to provide for highway closure and dedication removal of a portion of Melideo Road and portion of Old Victoria Road adjacent to 1044 and 1048 Old Victoria Road) pass third reading. The motion carried unanimously.

- b. "Harewood Centennial Turf Fields Reserve Fund Bylaw 2023 No. 7369"

It was moved and seconded that "Harewood Centennial Turf Fields Reserve Fund Bylaw 2023 No. 7369" (To establish a Harewood Centennial Turf Fields Reserve Fund) be adopted. The motion carried.

Opposed: Councillor Brown

- c. "Zoning Amendment Bylaw 2023 No. 4500.209"

It was moved and seconded that "Zoning Amendment Bylaw 2023 No. 4500.209" (to rezone 355 Nicol Street with site-specific density and height provisions within the Community Service One [CS1] zone) be adopted. The motion carried unanimously.

- d. "Highway Closure and Dedication Removal Bylaw 2023 No. 7364"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2023 No. 7364" (a bylaw to provide for highway closure and dedication removal of an unnamed laneway between 334 and 364 Haliburton Street) be adopted. The motion carried unanimously.

14. OTHER BUSINESS:

- a. Requests for letter of support from City of Nanaimo

It was moved and seconded that the Mayor, on behalf of Council, provide letters of support to the Ballenas Housing Society, Pacifica Housing, and Woodgrove Senior Citizens Housing Society, for their respective applications to the BC Housing, Community Housing Fund. The motion carried unanimously.

15. QUESTION PERIOD:

Council received no questions from the public regarding agenda items.

16. ADJOURNMENT:

It was moved and seconded at 8:34 p.m. that the meeting adjourn. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER

Please click the link below to access the 2023-NOV-08 Advisory Committee on Accessibility and Inclusiveness Meeting agenda:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=07085f61-4700-4bf9-95bb-651c5d41847e&Agenda=Agenda&lang=English>

Please click the link below to access the 2023-NOV-15 Finance and Audit Committee Meeting agenda:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=ecd9357e-ef76-4009-b379-0f1a0065dcf1&Agenda=Agenda&lang=English>

Delegation Request

Delegation's Information:

Greg Brown, Brechin Hill Community Association, has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2023-NOV-20

The requested meeting is:
Council

Bringing a presentation: Yes

Details of the Presentation:

Beach Estates Traffic Safety - Enhanced pedestrian and community safety arising from increased traffic volumes. Enhance visibility and safety for Brechin Rd Crosswalks.

DATE OF MEETING NOVEMBER 20, 2023

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT COUNCIL CORRESPONDENCE POLICY & COUNCIL SUPPORT POLICY

OVERVIEW

Purpose of Report

To establish protocols for handling electronic and paper correspondence addressed to the Mayor and/or Council as well as protocols for responding consistently to groups or organizations that request support from the City of Nanaimo in their endeavors.

Recommendation

1. That Council endorse COU-238 Council Correspondence Policy as attached to the November 20, 2023, report by the Deputy Corporate Officer.
2. That Council endorse COU-237 Council Support Policy as attached to the November 20, 2023, report by the Deputy Corporate Officer.

BACKGROUND

On 2023-OCT-16, Council passed a motion directing staff to draft a policy with respect to Council's response to correspondence received by Mayor and Council. Since then, Staff researched and compared Council Correspondence policies from other local governments to see what leading municipal practises are for how correspondence to Mayor and Council is processed and requests from groups and organizations seeking letters of support.

Based on the gathered information, and Nanaimo's current protocols, staff are bringing forward two policies for Council's consideration. If adopted they will establish formal guidelines for handling electronic and paper correspondence addressed to the Mayor and/or Council as well as protocols for responding consistently to groups or organizations that request support from the City of Nanaimo in their endeavours.

DISCUSSION

Council Correspondence Policy:

Similar to the City's current practice, other local governments surveyed place correspondence on the agenda that they think the public needs to be aware of or requires a decision by Council. Local governments vary in how and what correspondence that is not placed on an agenda is distributed to Council. Some municipalities have a paper "reading file" for Council and others circulate the information electronically.

The City and other local governments do not place copies of correspondence related to operations or complaints to Council on a Council agenda as local governments have a duty to protect personal information pursuant to the *Freedom of Information and Protection of Privacy*

Act (FOIPPA) unless the individual has consented to disclosure in the appropriate manner. The current practise is that Council members receive copies, the Mayor's office acknowledges receipt, and forwards any operational concerns or enquiries to the applicable staff for action.

The proposed comprehensive draft policy encompasses current City practices in circulating the various types of correspondence received from members of the public and other entities and incorporates leading practices of other local governments. It clarifies what correspondence will be made available to the public on the Council agenda and how correspondence is processed by the Mayor, by individual Members of Council, and Mayor and Council collectively. The policy does, however, include a proposed new process to streamline how correspondence not requiring action would be circulated to Mayor and Council, as well as ways for Council members to bring forward any information item that they wish to have added to a Meeting Agenda for consideration by Council. Highlights regarding the processes for dealing with correspondence within the policy are as follows:

1. Correspondence Addressed to Mayor and Council (for action)

- Correspondence related to operational matters, including letters of inquiry and/or complaints from the public will continue to be acknowledged by the Mayor's office and directed to the applicable staff for resolution and response.
- Correspondence related to matters awaiting a staff report for Council's consideration will be held until that matter is brought forward on a Meeting Agenda.
- Correspondence related to public hearings will be dealt with as per the Public Hearing Process policy.
- Requests for letters of support, in-kind contributions, support in principle, or funding would be addressed through a new Council Support policy (see Attachment B).
- Other correspondence addressed to Mayor and Council requiring action will be reviewed by the Corporate Officer and where applicable placed on a future Council or Committee agenda for consideration.

2. Correspondence to Mayor and Council (for information)

Correspondence for information will be circulated to Council in a weekly Council Information Package that is prepared in Escribe and distributed every Friday via an email with a link to the information package. The material within that package will be grouped into the following categories:

A. Correspondence

Examples include letters of thanks, appreciation or commendation, annual reports from other organizations, memos from senior staff, and general correspondence that is informational in nature.

B. Federal, Provincial and Local Governments

Examples might include letters or information to Mayor and Council from Federal and Provincial governments, or copies of letters written by the Mayor to various levels of government.

- C. FCM, UBCM, AVICC, MFA, and VIEA
Examples include UBCM and AVICC Bulletins, conference information, and updates.
- D. Newsletters and News Releases
Copies of City newsletters and current news releases.
- E. Mayor's Schedule
This will highlight the Mayor's weekly meetings and event schedule.
- F. Council Schedule
Council and Committee meetings, including RDN meetings, open houses, etc. for the upcoming two-week period will be highlighted in this section. While this is for Council's convenience, it is important for Council to continue to rely on their individual calendars for the most up to date information about meeting dates and times as they may change prior to distribution of the next Council Information Package.

3. Correspondence Addressed to the Mayor

All correspondence addressed to the Mayor will be dealt with at the Mayor's discretion and a copy, as appropriate, will be circulated to Council members for information.

4. Correspondence Received by a Member of Council

Should a Council member identify an item of correspondence from a Council Information Package that they wish to bring forward for consideration by Council, a copy should be provided to the Corporate Officer who will add it to a Meeting Agenda in accordance with the procedures outlined in the policy.

Council Support Policy

From time to time, Council receives requests from various organizations/groups seeking a letter of support to accompany their funding application for a specific project/initiative. In some instances, the requests come before Council at the last minute with not enough information or come with a simple covering note or letter with links to the provincial or federal grant-funding website. This puts the onus on staff or Council to do the research to ascertain the finer details of the grant qualifications making it challenging for Council and staff to evaluate the request.

Reviewing them at the last minute, or without enough detail, also makes it harder to determine whether the request might directly compete with the City or another organization applying for those same funds or whether there might be an expectation for staff to provide support or for the City to partner in the organization's initiative.

The attached policy, if approved, will require applicants to fill out a "Request for Support Application Form" and provide an accompanying executive summary that provides enough information so that Council can make an informed decision about the project/initiative. Some of the requirements to be contained within the executive summary would include:

- Whether the request is for a letter of support in principle, an in-kind contribution of staff time; or a partnership request;
- Background information on the organization requesting the support;
- Whether there is a cost to the City related to the specific request;
- The funding source of the proposed program, and total amount of funds being requested in the grant application;
- A proposed detailed budget;
- Target groups to be served, including the number of individuals to be served and where the services will be offered;
- Anticipated outcomes of the program;
- Indication of whether or not similar programs exist in the Regional District of Nanaimo area;
- Indication, if known, of other organization(s) applying for the same funds; and
- Coordination with other entities, including any grants from other governments.

In most cases, requests for letters of support to accompany a grant application for funding will require a formal Council resolution and therefore must be considered by Council. However, in some instances the Mayor may issue the letter of support on behalf of the City if the endeavour does not require a Council resolution, does not conflict with other City policies or initiatives, does not involve a financial contribution or in-kind contribution from the City, and would not be in competition with a grant application from the City or other non-profit community organization.

It is recognized that at times, funding timelines can be tight; however, Council and staff must be given enough time to review the request. To assist in that regard, the policy states that requests for letters of support should be submitted as far as possible ahead of the submission deadline but no later than seven (7) days prior the applicable Council meeting at which the request will go forward, and fourteen (14) days prior to the date the requestor requires the letter. Consideration of requests submitted after the deadline would be considered at the discretion of Council.

OPTIONS

Option 1:

1. That Council endorse COU-238 Council Correspondence Policy as attached to the November 20, 2023, report by the Deputy Corporate Officer.
2. That Council endorse COU-237 Council Support Policy as attached to the November 20, 2023, report by the Deputy Corporate Officer.

By supporting option 1, the protocols for incoming correspondence to Mayor and Council, as well protocols for responding consistently to groups or organizations requesting support from the City of Nanaimo in their endeavours, will be established and clear to Council, staff, and the public. The proposed policies encompass current City practices as well as leading practices of other local governments.

Option 2

Council direction is sought.

Should Council wish to amend either policy, a motion providing direction on the specific sections would be sought. Staff will then incorporate the revisions and bring forward the updated policies to a future meeting.

SUMMARY POINTS

- Council directed staff to draft a policy with respect to Council's response to correspondence received by Mayor and Council.
- Staff researched and compared Council Correspondence policies from other local governments to see what leading practices are for how correspondence to Mayor and Council is processed and requests from groups and organizations seeking letters of support.
- Based on the gathered information, and Nanaimo's current protocols, two policies are being presented. If adopted, they will establish formal guidelines for handling electronic and paper correspondence addressed to the Mayor and/or Council as well as protocols for responding consistently to groups or organizations that request support from the City of Nanaimo in their endeavors.

ATTACHMENTS:

Attachment A - COU-238 – Council Correspondence Policy

Attachment B - COU-237 – Council Support Policy

Attachment C - Request for Support Application Form

Submitted by:

Karen Robertson,
Deputy Corporate Officer

Concurrent by:

Sheila Gurrie,
Director of Legislative Services

Dale Lindsay,
Chief Administrative Officer

ATTACHMENT A



COUNCIL POLICY

RCRS Secondary:	GOV-02	Effective Date:	
Policy Number:	COU-238	Amendment Date/s:	
Title:	Council Correspondence Policy	Repeal Date:	
Department:	Legislative Services	Approval Date:	

PURPOSE:

To establish protocols for handling electronic and paper Correspondence addressed to the Mayor and/or Council.

DEFINITIONS:

Correspondence	Means all letters or requests addressed to Mayor and Council from an individual or organization either electronically (via email) or via Canada Post, fax, or hand delivery.
Meeting Agenda	Means a Regular Council or Committee Meeting Agenda.

POLICY:

The Council Correspondence Policy establishes a formalized process to ensure all Correspondence received by the City of Nanaimo addressed to Mayor and/or Council is addressed consistently and efficiently, and filed, tracked, and dispositioned in accordance with the City of Nanaimo Records Management Bylaw, policies, and procedures.

APPLICATION:

This policy is applicable to all Correspondence received addressed to Mayor and/or Council. This does not include correspondence sent to individual Council members, or sent to some but not all Council members, unless that Correspondence is forwarded to the Mayor's office for response.

Mailed Correspondence addressed to individual Council members and marked "confidential" or "private" will be unopened and placed in that individual's mailbox at City Hall.

PROCESS:

1. Correspondence Addressed to Mayor and Council (for action)
 - 1.1 Correspondence related to operational matters, including letters of inquiry and/or complaints from the public will be acknowledged and directed to the applicable staff for resolution and response. Copies of the request, and response, will be circulated to Council for information. Matters left not responded to will be escalated to the Chief Administrative Officer.

- 1.2 Correspondence related to a matter that is awaiting a staff report for Council's consideration will be held until that item is brought forward on a Meeting Agenda. At that time, the Correspondence will be attached as background to the corresponding agenda item.
 - 1.3 Correspondence related to public hearings will be dealt with as per the Public Hearing Process Policy.
 - 1.4 Requests for letters of support, in-kind contributions, support in principle, or funding will be dealt with as per Council's Support Policy or Grants Policy as applicable.
 - 1.5 Correspondence requiring an action to be taken by Council that is not covered in sections 1.1 through 1.4, will be reviewed by the Corporate Officer and where applicable, placed on a future Meeting Agenda for consideration.
2. Correspondence to Mayor and Council (for information)
 - 2.1 Correspondence addressed to Mayor and Council that does not require action will be circulated to Council for information via the weekly Council Information Package with a link to Council's SharePoint page. Examples include:
 - An event invitation
 - A letter of thanks, appreciation or commendation
 - Newsletters, annual reports, conference information and updates
 - Memos and updates from senior staff
3. Correspondence Addressed to the Mayor
 - 3.1 All correspondence addressed to the Mayor shall be dealt with at the Mayor's discretion and a copy, as appropriate, circulated to Council members for information.
4. Correspondence Received by a Member of Council

A Council member that has received Correspondence directly or has identified an item of Correspondence from the Council Information Package that they wish to bring forward for consideration by Council, shall submit the Correspondence to the Corporate Officer who will add it to a Meeting Agenda in accordance with the procedures outlined in this policy.
5. Correspondence for a Meeting Agenda
 - 5.1 Correspondence considered on a Meeting Agenda forms part of the public record and will be published. The author's name and address are relevant to Council's consideration of the matter and will be disclosed through the process. House numbers, phone numbers, and personal email addresses will be redacted pursuant to the *Freedom of Information and Protection of Privacy Act*.
 - 5.2 In the event Correspondence requests consideration of a particular topic, without providing any background information or additional commentary, staff will request additional supporting information from the letter writer(s) prior to placing the Correspondence on the next available Meeting Agenda.
 - 5.3 Any inappropriate, offensive, misleading, harassing or threatening Correspondence need not be acknowledged and will be filed.

6. Late Correspondence

- 6.1 All correspondence received after the stipulated deadline shall be forwarded by the Corporate Officer to the following Meeting, with the exception of correspondence that is deemed by the Corporate Officer to fall within the definition of a “Late Item” as outlined in Council’s Procedure Bylaw.

7. Petitions

- 7.1 Petitions presented to Council must meet the criteria as set out in Council’s Procedure Bylaw.

8. Anonymous Correspondence

- 8.1 No action will be taken on anonymous complaints except where there is reason to believe that the situation involves life and/or safety issues.

9. Unsolicited Goods and Services

- 9.1 Correspondence regarding unsolicited goods and services will not be acknowledged or retained.

RELATED DOCUMENTS:

Council Procedure Bylaw No. 7272

COU-185 - Grants Policy

COU-237 - Council Support Policy

COU-233 - Public Hearing Process Policy

REPEAL or AMENDMENT:

N/A

ATTACHMENT B



COUNCIL POLICY

RCRS Secondary:	GOV-02	Effective Date:	
Policy Number:	COU-237	Amendment Date/s:	
Title:	Council Support Policy	Repeal Date:	
Department:	Legislative Services	Approval Date:	

PURPOSE:

To respond consistently to groups or organizations that request support from the City of Nanaimo in their endeavors.

SCOPE:

This policy applies to groups or organizations seeking support from the City of Nanaimo by way of a letter of support to accompany grant funding applications, support in-principle, in-kind contributions, or partnerships where parties agree to collaborate to advance their mutual interests.

This policy does not apply to requests for grant funding by the City, including Permissive Tax Exemption requests, or in-kind funding for facility rentals (see Grant Policy and Guidelines for details on these requests).

POLICY:

The City of Nanaimo, from time to time, receives requests from groups or organizations seeking the City's support for their endeavors.

The City of Nanaimo will assess the impact of each request individually to determine the nature and level of support it will provide.

DEFINITIONS:

There are different types of support the City of Nanaimo may be able to provide under this policy:

In-Kind Contributions	Means non-monetary or cash equivalent resources that can be given a cash value, such as goods and/or services in support of a project or a proposal. In-kind contributions include staff time spent participating on the project.
Partnership	Means an arrangement in which the parties agree to collaborate to advance their mutual interests and will only be entered into if there is a significant benefit that aligns directly with Council's Strategic Framework and available funding and capacity. Clarity regarding the role of the partners and how the City of Nanaimo will be recognized as a partner of the project is to be provided along with the request.
Support in Principle	Means Council is in favour of the proposal or project, based on the information provided. The principle, or the idea, seems good and the City agrees with the outcome or benefit received.

APPLICATION

Those seeking a letter of support from the City to accompany a grant funding application (support in principle), an in-kind contribution, or to enter into a partnership with the City, will be required to complete a 'Request for Support Form' and provide an Executive Summary, or short narrative that, at minimum, includes the following information:

1. That the request is from a local non-profit and/or recognized community organization or other local government;
2. The name of the contact person, mailing address, email address and telephone number of the person applying for the grant on behalf of the particular organization;
3. Background information on the organization requesting the letter;
4. Funding source of the proposed program, including any grants from other governments;
5. Services that are to be offered;
6. Target groups to be served, including the number of individuals to be served and where the services will be offered;
7. Timeframes or dates of when the proposed program is expected to be administered.
8. Anticipated outcomes of the program;
9. The proposed budget, in detail;
10. Indication of whether or not similar programs exist in the Regional District of Nanaimo area;
11. Indication, if known, of other organization(s) applying for the same funds;
12. If this is an on-going or continuation grant or project, indicate results of previous years, and
13. Coordination with other entities.

PROCESS:

The applicant must follow these steps:

1. Submit a completed 'Request for Support Form' and Executive Summary that addresses the information highlighted above. Requests should be submitted as far as possible ahead of the submission deadline but no later than seven (7) days prior to the applicable Council meeting at which the request will go forward, and fourteen (14) days prior to the date the requestor requires the letter.
2. Include any supporting documents or materials and a detailed list of other funding partners (if applicable) and a draft of the letter of support you are requesting which the City can use as a guide.

The City of Nanaimo will follow these steps:

1. The applicant will be contacted within two days of receiving the application to confirm that the City of Nanaimo received all the information needed to produce the letter, to request additional information, or to arrange a call to discuss the proposal in more detail.
2. Once completed, the application will be placed on the next available Council agenda wherein Council will review the request to ensure that the application fits within the best interest of the residents of the City of Nanaimo and that the application is not in competition with any City grant applications.
3. Should Council approve the request, a letter will be provided to the applicant who is then responsible for forwarding the letter to the appropriate organization.

The Mayor may issue a letter of support on behalf of Council if the endeavour does not require a Council resolution, does not conflict with other City policies or initiatives, and meets the following criteria:

1. The request is from:

- a local non-profit and/or recognized community organization, or another local government;
- the project provides a direct general benefit to the overall community;
- does not involve a financial contribution or in-kind contribution from the City;
- does not contravene any applicable legislation or other City policy; and
- would not be in competition with a grant application from the City or other non-profit community organization.

or

2. The request is from an organization that is partnering with the City of Nanaimo or completing a project that has the approval of Council.

RELATED DOCUMENTS:

Request for Support Application Form
COU-185 - Grants Policy and Guidelines

REPEAL or AMENDMENT:

N/A

ATTACHMENT C



REQUEST FOR SUPPORT APPLICATION FORM

Date of Request	
Organization/Group making the request	
Contact Person	
Address	
Telephone	
Email Address:	
Type of Support Requested (Select one)	☐ Letter of Support in Principle ☐ In-Kind Contribution ☐ Partnership <i>Note: This policy is not applicable to requests for grant funding by the City, including Permissive Tax Exemption requests, or in-kind funding for facility rentals (see Grants Policy and Guidelines for further details)</i>

IF APPLICABLE:

Name of grant or program for which you are applying:

Amount of Funding Requested: _____ Grant Due Date: _____

Grant Organization: _____

Address: _____

City: _____ Postal Code: _____

Telephone: _____

Please provide an executive summary or short narrative that addresses each of the points outlined in the "Council Support policy". Include any supporting documents or materials and a detailed list of other funding partners (if applicable).

Please submit this form, with accompanying materials, to the attention of the Corporate Officer, Legislative Services, City of Nanaimo, 455 Wallace St. Nanaimo, BC V9R 5J6, or by email to: legislative.servicesoffice@nanaimo.ca.

Respecting Your Privacy

Freedom of Information and Protection of Privacy Act (FOIPPA) – Information collected on this form is done so under the general authority of the *Community Charter* and FOIPPA, and is protected in accordance with FOIPPA. Personal information will only be used by authorized staff to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose. For more information, please visit the Legislative Services Department at 455 Wallace Street, call 250-755-4405, or email foi@nanaimo.ca.

DATE OF MEETING NOVEMBER 20, 2023

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BUILDING BYLAW AMENDMENTS – INTRODUCTION OF THE
CERTIFIED PROFESSIONAL PROGRAM**

OVERVIEW

Purpose of Report

To introduce amendments to “Building Bylaw 2016 No. 7224” for Council’s consideration, including the introduction of the Certified Professional Program and other housekeeping amendments.

Recommendation

That:

1. “Building Amendment Bylaw 2023 No. 7224.06” (to implement a Certified Professional Program; alignment of Professional Practice Guidelines for Retaining Walls; and minor housekeeping items) pass first reading;
2. “Building Amendment Bylaw 2023 No. 7224.06” pass second reading;
3. “Building Amendment Bylaw 2023 No. 7224.06” pass third reading.

BACKGROUND

The report brings forward several Building Bylaw items for Council’s consideration, including:

- The introduction and implementation of the Certified Professionals Program;
- Alignment of the Building Bylaw with the Engineers and Geoscientists of BC professional practice guidelines as it relates to the height of retaining structures; and,
- Minor housekeeping items such as, to remove an unreferenced fee schedule, changes implemented through the transition from paper-based permit applications to digital applications, alignment of terms used in the zoning bylaw and other minor changes to align with current practice.

DISCUSSION

The Certified Professional Program

The Certified Professional (CP) Program, which is jointly administered by the Engineers and Geoscientists of BC (EGBC) and the Architectural Institute of BC (AIBC), is an alternative to the conventional Authority Having Jurisdiction (AHJ) process for building permitting and monitoring of construction. The CP program, which provides certification to engineers and architects with specialized training, is intended to give municipalities an extra level of confidence in the professionals' work, over and above the assurances provided through the BC Building Code's Professional Assurance Schedules.

As part of this alternative process the CP provides their professional assurance to the AHJ that they will take all appropriate steps to ascertain that the design will substantially comply and the construction of the project will substantially conform in all material respects with the fire and life safety, and accessibility aspects of the building code, other applicable safety enactments, and the related development permit. The Building Official of an AHJ relies upon the CP's assurances in issuing Building Permits and Occupancy Permits for a project constructed under the CP Program.

The CP program offers an opportunity to supplement the building permit process in a way that benefits applicants and the construction industry, while maintaining the required level of rigor and building code compliance. The CP, much like a building official, is not meant to be an expert in all aspects of building code, however, they are expected to have a working knowledge of the codes and referenced standards. The CP provides an independent review of the design and field review process as a check and balance to the services provided by the registered professionals of record and the coordinating registered professional. The introduction of a CP into a project is expected to substantially reduce the monitoring and review activities of the City's building inspectors. While a limited number of projects are anticipated to utilize the CP program, use of the program for some complex projects will help to free up building inspectors to support design and field review on other projects.

While adoption of the CP program was not recommended through the 2021 Building Permit Function Review due to limited uptake of the Program by AHJs and the limited number of CPs practicing at that time, the Program has been expanding in recent years and development activity and the complexity and scale of development projects in Nanaimo have also been increasing significantly. The CP program is well-suited for significant, multi-phased, complex building projects and would support the issuance of staged building permits for these large-scale projects. Nanaimo has been experiencing and is anticipating more projects of the scale and complexity that could benefit from the CP program, such as the Nanaimo Correctional Centre, anticipated Nanaimo Regional General Hospital Cancer Centre and the anticipated Vancouver Island University nine-storey mass-timber student housing project.

Given potential of the CP program to support more efficient review and approvals of complex building projects, it is recommended that the CP Program be implemented by adopting proposed amendments to the City's Building Bylaw.

The Height of Retaining Structures

The EGBC developed Professional Practice Guidelines for Retaining Wall Design with the support of the City of Nanaimo. These guidelines require oversight for the design and construction of retaining walls by a professional engineer when the height of a wall is greater than 1.2m. The current Building Bylaw requires a building permit for retaining walls of 1.5 m in height and greater. An amendment to the Building Bylaw is proposed to require a building permit for retaining walls of 1.2m. in height and greater. This aligns the Building Bylaw and the EGBC professional practice guidelines, which will help ensure retaining walls are constructed safely and in compliance with the EGBC guidelines.

Other Changes

The penalties and enforcement have been revised to align with the other regulatory bylaws for the City of Nanaimo.

The removal of the fine schedule in Schedule A addresses the duplication of this information that is now contained within the “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

Minor housekeeping items to address changes implemented through the transition from paper-based permit applications to digital applications, alignment of terms used in zoning bylaw and minor changes to align with current practice.

OPTIONS

1. That:
 1. “Building Amendment Bylaw 2023 No. 7224.06” (to implement a Certified Professional Program; alignment of Professional Practice Guidelines for Retaining Walls; and minor housekeeping items) pass first reading;
 2. “Building Amendment Bylaw 2023 No. 7224.06” pass second reading;
 3. “Building Amendment Bylaw 2023 No. 7224.06” pass third reading
 - The advantages of this option:
 - The CP Program Provides an alternative Building Permit Process for significant commercial projects. This should improve permit timelines for projects submitted under the CP Program as well as freeing up staff resources that can be utilized in the regular stream.
 - Alignment of the Building Bylaw and the Professional Practice Guidelines for retaining walls will ensure that retaining walls that should have professional oversight will.
 - The disadvantages of this option:
 - There are no foreseeable disadvantages to either the City or the Participants in offering the CP Program as an option.
 - There may be slightly more retaining wall permit applications to process however it is expected to be insignificant.
 - Financial Implications: Project timelines are critical especially for more complex projects, although there is a cost to the owner, the CP program provides more certainty as the CP is involved much earlier than a building official would be. The review and coordination are completed by the CP before application.
2. That Council deny first, second and third reading of “Building Amendment Bylaw 2023 No. 7224.06” and provide alternate direction.
 - The advantages of this option: There are no expected advantages.
 - Financial Implications: Leaving the code review and coordination check for staff to complete at the building permit review stage, typical requires amendments to the application. This can cause delays in the issuance of the permit and increase costs.

SUMMARY POINTS

- The Certified Professional (CP) Program is an alternative to the conventional Authority Having Jurisdiction (AHJ) process for building permitting and monitoring of construction.
- The Program has been expanding in recent years and is well-suited for significant, multi-phased, complex building projects and would support the issuance of staged building permits for these large-scale projects.
- The introduction of a CP into a project has the potential to substantially reduce the monitoring and review activities of the City's building inspectors.
- Retaining Wall height in the bylaw would align with the Professional Practice Guidelines that EGBC published with the support of the City of Nanaimo.
- Alignment of penalties and enforcement language consistent with other City of Nanaimo bylaws.
- Removal of the fine schedule as that it is a duplication of information now contained in the "Bylaw Notice Enforcement Bylaw 2012 No. 7159".
- Minor housekeeping items.

ATTACHMENTS:

ATTACHMENT A: B7224.06 – Building Amendment Bylaw

ATTACHMENT B: B7224 – Red Lined Version |

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Planning & Development |

CITY OF NANAIMO

BYLAW NO. 7224.06

A BYLAW TO AMEND “BUILDING BYLAW 2016 NO. 7224”

The Council of the City of Nanaimo in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “Building Bylaw Amendment Bylaw 2023 No. 7224.06”.

2. Amendments

“Building Bylaw 2016 No. 7224” is hereby amended as follows:

2.1 By adding the following definition to section 2:

“CERTIFIED PROFESSIONAL” means a registered professional listed on the Certified Professional Roster.

2.2 By deleting the the reference to “1.5” meters in the “STRUCTURE” definition and replacing it with “1.2 meters.

2.3 By deleting the reference to “1.5” meters in sections 5.2, and 19.1 and replacing it with “1.2” meters.

2.4 By deleting the word “moving” in sections 8.1.2 and 8.2 and replacing it with the word “locate”.

2.5 By deleting section 8.1.4 in its entirety.

2.6 By deleting section 8.4 in its entirety.

2.7 By renaming section 9 to read as follows:

9(A). Applications for Complex Buildings

2.8 By deleting section 9.1.3 in its entirety.

2.9 By deleting sections 9.1.4.5 in its entirety and replacing it with the following:

“9.1.4.5 setbacks to the natural boundary of any lake, river, creek, spring, or wetland where the municipality’s land use regulations establish siting requirements related to flooding;”

2.10 By deleting the words “two sets of” in section 9.1.13 and 10.1.11.

2.11 By adding the following after section 9.3:

9(B). Certified Professional Program

- 9.4 The Building Official may accept a permit application for a Complex Building under section 9(B), in addition to any other information required in this Bylaw in respect of the application, a certified Professional certifies in writing that:
 - 9.4.1 the work covered by the application complies with the Building Code;
 - 9.4.2 the permit application has been prepared in accordance with the Certified Professionals Practice and Procedure Manual and the Program Municipal Insert (together, the "Manuals"); and includes all required letters of assurance, and any required confirmations with respect to the development and Building Code coordination; and,
 - 9.4.3 the Certified Professional has been retained by the Owner to perform all of the duties of a Certified Professional as set out in the Manuals.
- 9.5 A Certified Professional submitting an application under this section 9(B) must provide proof of insurance, in the amount of \$1,000,000 per claim, in a form satisfactory to the Building Official.
- 9.6 The Building Official may refuse an application under this section 9(B) if the statement under this section 9(B) is provided by a Certified Professional who has, in respect of any previous application under this section 9(B), failed to perform the duties of a Certified Professional in accordance with the Manuals, or in accordance with this section 9(B).
- 9.7 A Certified Professional must, in respect of any Building for which a Permit is issued under this section 9(B) and in addition to any other applicable responsibilities:
 - 9.7.1 review for adequacy and acceptability, any report concerning testing and field reviews related to the Building and maintain a detailed record of such reports and, if requested, make these available to the Building Official;
 - 9.7.2 advise the Building Official promptly, in writing, of any significant known, unresolved contraventions of the Building Code, building permit requirements, this Bylaw and/or other applicable enactments;
 - 9.7.3 at least once every 30 days from the date of issuance of a permit, submit to the Building Official a written progress

report and any other information as reasonably required by the Building Official; and,

- 9.7.4 if the Certified Professional, at any time before the completion of the work that is the subject of the permit cease to be retained or otherwise involved as the Certified Professional, promptly notify the Building Official in writing of the date upon which they will cease to be involved. If the CP is deceased or incapacitated from completing this task, the responsibility for notification becomes that of the owner.
- 9.8 In addition to any other grounds the Building Official may have for posting a Stop Work Order in respect of a Building, the Building Official may post a Stop Work Order or revoke a permit issued under this section 9(B) in any of the following circumstances:
 - 9.8.1 if the Certified Professional ceases to be retained by the Owner or is otherwise unable or unwilling to carry out field reviews or other duties committed to in the CP-1 letter, for which a Permit was issued under this section 9(B);
 - 9.8.2 if the Certified Professional is no longer licensed as a Registered Professional in the Province of British Columbia or removed from the Certified Professional roster;
 - 9.8.3 if the Certified Professional fails to perform any of their duties or obligations under this Bylaw; or,
 - 9.8.4 if a document required by this Bylaw is not delivered by the Certified Professional within the timeframe specified in this Bylaw.
- 9.9 Where a permit application is revoked pursuant to section 9.8 or 4.11, only work necessary, as authorized by the Building Official to remove any hazards or to mitigate damage arising from exposure to the elements, may be undertaken on the Complex Building unless otherwise specifically authorized by the Building Official.
- 9.10 Work on the Building must not resume until the Building Official has received written notice from a Certified Professional that the Certified Professional:
 - 9.10.1 has been retained by the Owner for the continuation of Construction of the Building; and,
 - 9.10.2 will carry out the duties of the Certified Professional that are required in order to bring the Complex Building to completion as outlined in the CP Schedules CP-1, CP-2 , and CP-3 as required and in accordance with an issued permit.

9.11 Nothing herein contained shall in any way:

9.11.1 relieve the Owner, from full responsibility for ensuring that a Certified Professional is engaged at all times during construction of the Building and that the Building complies with the Building Code, this Bylaw and other applicable enactments; or,

9.11.2 limit the authority or discretion of the Building Official to review application materials, carry out field reviews, or otherwise treat the application or any aspect of the work covered by the application as if it were an application made beyond this section 9(B) of the bylaw.

9.12 In respect of any permit application made under this Section 9(B), and despite any plan checking or field review the Building Official may choose to carry out, the Building Official will rely on the assurances provided by the Certified Professional and, as applicable, any other Registered Professionals, that the work that is the subject of the application meets the requirements of the Building Code.

2.12 By deleting section 10.1.3 in its entirety.

2.13 By deleting section 10.1.4 and replacing it with the following:

“10.1.4. include a site plan prepared by a British Columbia Surveyor showing:”

2.14 By deleting section 10.1.4.5 in its entirety and replacing it with the following:

“10.1.4.5 setbacks to the natural boundary of any lake, river, creek, spring, or wetland where the municipality’s land use regulations establish siting requirements related to flooding;”

2.15 By deleting the word “off” in section 10.2.1 and replacing it with “off-site”.

2.16 By deleting section 10.2.10 in its entirety.

2.17 By deleting section 12.4 in its entirety and replacing it with the following:

“12.4 Where any re-inspection carried out pursuant to this Bylaw, discloses faulty work and a subsequent inspection is thereby made necessary, a re-inspection charge as set out in Schedule A of the Fees and Charges Bylaw shall be paid prior to additional inspections being performed.”

2.18 By deleting section 12.5 in its entirety and replacing it with the following:

“12.5 Where a permit holder fails to have the work to be inspected accessible and/or ready at the time of scheduled inspection, a re-inspection charge, as set out in Schedule A of the Fees and Charges Bylaw, shall be paid prior to additional inspections being performed.”

- 2.19 By deleting section 12.6 in its entirety and replacing it with the following:
- “12.6 The fee for revision of a permit shall be applied each time an applicant elects or is directed to revise a permit after the permit has been issued as set out in Schedule A of the Fees and Charges Bylaw.
- 2.20 By deleting the word “When” in section 13.1 and replacing it with the following:
- “A Building Official shall issue the permit for which the application is made when:”
- 2.21 By deleting the following from section 13.1:
- “a Building Official shall issue the permit for which the application is made.”
- 2.22 By adding the word “and” after the semicolon in section 13.1.4 and adding a period to the end of section 13.1.5.
- 2.23 By deleting section 13.2.1 and 13.2.2 in their entirety and replacing it with the following section 13.2.1 and 13.2.2 and adding a 13.2.3 as follows:
- “13.2.1 is covered by home warrant insurance, and the constructor is a licensed residential builder; or,
- 13.2.2 has provided proof of rental exemption; or,
- 13.2.3 has provided proof of an owner builder authorization.”
- 2.24 By deleting section 13.3 in its entirety.
- 2.25 By adding the word “of” prior to the second reference to the word “work” in section 16.2.5.
- 2.26 By deleting the word “the” prior to the words “those portions” in section 17.3.
- 2.27 By deleting the word “and” and adding a comma prior to the word “roofing” in section 17.4.5.
- 2.28 By deleting the first sentence in section 17.4.6 and replacing it with the following:
- “Before a building drain, water service/fireline, sanitary or storm sewer is covered.”
- 2.29 By deleting the words “the second” in section 17.8 and replacing them with “any subsequent.”
- 2.30 By deleting reference to “building inspector” in section 29.6 and replacing it with “Building Official”.
- 2.31 By deleting section 30.1 and 30.2 and replacing those sections with the following:

“30.1 Any Person who causes permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.

30.2(a) This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.

30.2(b) Each day that an offence continues or exists shall constitute a separate offence.

2.4 By deleting section Section 33.

2.5 By deleting Schedule “A”.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

ATTACHMENT B

CITY OF NANAIMO

BYLAW NO. 7224

A BYLAW TO PROVIDE FOR THE ADMINISTRATION OF CONSTRUCTION WITHIN THE CITY OF NANAIMO

WHEREAS Section 8(3)(L) of the *Community Charter* authorizes Council to regulate and impose requirements in relation to buildings and other structures;

AND WHEREAS the Province of British Columbia has adopted a Building Code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the province;

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited as the “Building Bylaw 2016 No. 7224”.

2. Definitions

The following words and terms have their meanings set out in the British Columbia Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, floor area, field review, high-hazard industrial occupancy, industrial occupancy, low-hazard industrial occupancy, major occupancy, mercantile occupancy, medium-hazard industrial occupancy, occupancy, registered professional, and residential occupancy. (7224.02)

“ASSESSED VALUE” means the current assessed value of the building as determined by the BC Assessment Authority.

“BC ENERGY STEP CODE” means the system of energy performance requirements set out in Subsections 9.36 and 10.2.3 of the Building Code. (7224.02)

“BC ZERO CARBON STEP CODE” (7224.05) means the greenhouse gas (GHG) emission requirements set out in subsections 9.37 and 10.3 of the Building Code, as amended.

"BUILDING CODE"	means the current version of British Columbia Building Code including amendments as adopted by the provincial minister.
"BUILDING OFFICIAL"	means the person or persons appointed from time to time by the Council as the Manager of Building Inspections and includes duly authorized delegates.
"CERTIFICATE OF OCCUPANCY"	means a document issued by the municipality upon final approval and completion of the building permit that was issued for the work. Issuance of the certificate allows the building or portion thereof to be utilized for its intended use.
"CERTIFIED PROFESSIONAL"	Means a registered professional listed on the Certified Professional Roster.
"COMPLEX BUILDING"	means: (a) all buildings used for major occupancies classified as (i) assembly occupancies, (ii) care or detention occupancies, (iii) high-hazard industrial occupancies; and (b) all buildings exceeding 600 square metres in building area or exceeding three storeys in building height used for major occupancies classified as (i) residential occupancies, (ii) business and personal services occupancies, (iii) mercantile occupancies, (iv) medium- and low-hazard industrial occupancies.
"COUNCIL"	means the City of Nanaimo municipal Council.
"ENERGY ADVISOR"	Means, a consultant registered by a Service Organization licensed by Natural Resources Canada (NRCan) to deliver NRC's EnerGuide Rating System for New Homes and R-2000 programs. (7224.02)
"FEES AND CHARGES BYLAW"	means the current version of the bylaw that regulates fees and charges utilized by the Building Officials. (7224.04)

"HEALTH AND SAFETY ASPECTS OF THE WORK"	means design and construction regulated by Part 3, Part 4, and Sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, 9.34 and 9.37 of Part 9 of the Building Code.
"MUNICIPAL ENGINEER"	means the person duly appointed as Director of Engineering and Public Works by Council and includes any person appointed or designated by the Director to act on his behalf.
"MUNICIPALITY"	means the City of Nanaimo
"PLUMBING CODE"	means the current version of British Columbia Plumbing Code including amendments as adopted by the provincial minister.
"STANDARD BUILDING"	means: (a) a building of three storeys or less in building height, having a building area not exceeding 600 square metres and used for major occupancies classified as: (i) residential occupancies, (ii) business and personal services occupancies, (iii) mercantile occupancies, or (iv) medium- and low-hazard industrial occupancies.
"STRUCTURE"	means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite matter. That which is built or constructed, an edifice or building of any kind whether fixed to, supported by, or sunk into land or water including, combinations of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 1.2 metres in height.
"SUBDIVISION CONTROL BYLAW"	means the current version of the municipality's subdivision bylaw.
"SWIMMING POOL"	means any structure or construction, intended primarily for recreation that is, or is capable of being, filled with water to a depth of 0.6 metres (2 feet) or more. For the purpose of the definition, a hot tub shall not be considered a swimming pool.

“WORKS AND SERVICES” means the works and services referred to in Section 24. (7224.02)

“ZONING BYLAW” means the current version of the municipality’s Zoning Bylaw.

3. Purpose of Bylaw

3.1 The bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.

3.2 This bylaw has been enacted for the purpose of regulating construction within the municipality in the general public interest. The activities undertaken by or on behalf of the municipality pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this bylaw extend to:

3.2.1 the protection of owners, owner/builders or constructors from economic loss;

3.2.2 the assumption by the municipality or any Building Official of any responsibility for ensuring the compliance by any owner, his or her representatives, or any employees, constructors or designers retained by him or her with the Building Code, the requirements of this bylaw, or other applicable enactments respecting safety;

3.2.3 providing any person a warranty of design or workmanship with respect to any building or structure for which a building permit or Certificate of Occupancy is issued under this bylaw; or

3.2.4 providing a warranty or assurance that construction undertaken pursuant to building permits issued by the municipality is free from latent or any defects.

4. Permit Conditions

4.1 A permit is required whenever work regulated under this bylaw is to be undertaken.

4.2 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the municipality shall in any way relieve the owner or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the Building Code and or other applicable enactments respecting safety.

4.3 It shall be the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work in respect

of which the permit was issued in compliance with the Building Code and this bylaw or other applicable enactments respecting safety.

- 4.4 Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the municipality constitute in any way a representation, warranty, assurance or statement that the Building Code, this bylaw or other applicable enactments respecting safety have been complied with.
- 4.5 No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.
- 4.6 Notwithstanding Sections 4.7 and 13.4, every permit for demolition will expire 6 months from the date of issuance of the permit. (7224.02)
- 4.7 Every permit is issued upon the condition that: (7224.02)
 - 4.7.1 construction of a nature significant enough to require an inspection as set out in Section 17 of this bylaw is to be started within 6 months from the date of issuance of the permit; (7224.02)
 - 4.7.2 construction is not to be discontinued or suspended for a period of more than 1 year; (7224.02)
 - 4.7.3 the permit shall expire in the event that either of the conditions stated in 4.7.1 or 4.7.2 are not met; and (7224.02)
 - 4.7.4 all permits shall expire after 24 months from the date of issuance, unless the permit has previously expired or the permit has been renewed in accordance with Section 4.8. (7224.02)
- 4.8 Provision for renewal of permits shall be as follows:
 - 4.8.1 Application for renewal must be made prior to expiry of the original permit.
 - 4.8.2 The permit renewal shall be for the same period as the original permit.
 - 4.8.3 No permit shall be renewed more than once.
 - 4.8.4 An additional fee as set out in the Fees and Charges Bylaw shall be paid for renewal of a permit under the provisions of this Section.
- 4.9 A building permit application shall expire: (7224.03)
 - 4.9.1 12 months after the date of application; or
 - 4.9.2 18 months after the date of application where it has been determined by a Building Official that the owner has been unable to meet the requirements to have a building permit issued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.

4.10 The Building Official may refuse to issue a permit if:

4.10.1 the information submitted is inadequate to determine compliance with, or is contrary to, the provisions of this bylaw or any other enactment;

4.10.2 the information submitted is incorrect; or

4.10.3 in the case of a permit for a building or structure to be used to shelter any human use or occupancy, a Certificate of Acceptance for the Works and Services required to provide the parcel with water, sanitary, and storm drainage services has not been issued by the municipality.

4.11 The Building Official may revoke a permit where:

4.11.1 there is a contravention of any term or condition under which the permit was issued;

4.11.2 there is a contravention of any provision of the Building Code or Plumbing Code; or

4.11.3 the permit was issued on the basis of incorrect information supplied by the applicant or the Building Official determines that the permit was issued in error.

4.12 The owner shall be notified in writing of the revocation.

5. Scope and Exemptions

5.1 This bylaw applies to the design, construction, and occupancy of new buildings and structures and the alteration, reconstruction, demolition, removal, relocation, and occupancy of existing buildings and structures.

5.2 This bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein, nor to retaining structures less than ~~1.5~~ 1.2 metres in height.

6. Prohibitions

6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including other work related to construction, unless a Building Official has issued a valid and subsisting permit for the work.

6.2 No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a Building Official for the building or structure, or contrary to the terms of any permit issued or any notice given by a Building Official.

- 6.3 No person shall knowingly submit false or misleading information to a Building Official in relation to any permit application or construction undertaken pursuant to this bylaw.
- 6.4 No person shall, unless authorized in writing by a Building Official, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building or structure pursuant to this bylaw.
- 6.5 No person shall do any work that is substantially at variance with the accepted design or plans of a building, structure, or other works for which a permit has been issued, unless that variance has been accepted in writing by a Building Official.
- 6.6 No person shall obstruct the entry of a Building Official or other authorized official of the municipality on property in the administration of this bylaw.
- 6.7 No person shall occupy or use a building following a change in class of occupancy of the building or part of it without first obtaining final approval from the Building Official.
- 6.8 *Deleted by Bylaw No. 7224.01.*
- 6.9 No person shall continue to construct a building or any portion of it after the Building Official has ordered cessation of construction of it or has ordered the suspension of any portion of the construction of it.

7. Building Officials

- 7.1 Each Building Official may:
 - 7.1.1 administer this bylaw;
 - 7.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this bylaw; and
 - 7.1.3 take or order such action considered necessary in order to establish whether the methods or types of construction and types of materials used in the construction of a building or structure for which a permit is sought under this bylaw substantially conform to the requirements of the Building Code.
- 7.2 A Building Official:
 - 7.2.1 may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
 - 7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - 7.2.3 shall carry proper credentials confirming their status as a Building Official.

- 7.3 A Building Official may order the correction of any work that is being or has been done in contravention of this bylaw.

8. Applications

- 8.1 Every person shall apply for and obtain:
- 8.1.1 a building permit before constructing, repairing, or altering a building or structure;
 - 8.1.2 a ~~moving~~ **locate** permit before moving a building or structure;
 - 8.1.3 a demolition permit before demolishing a building or structure; and
 - ~~8.1.4 a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a chimney, unless the works are encompassed by a valid building permit.~~
- 8.2 An application for a ~~moving~~ **locate** permit shall be made in the form prescribed by the municipality.
- 8.3 An application for a demolition permit shall be made in the form prescribed by the municipality.
- ~~8.4 An application for a fireplace and chimney permit shall be made in the form prescribed by the municipality.~~
- 8.5 All plans submitted with permit applications shall bear the name and address of the designer of the building or structure.

9(A). Applications for Complex Buildings

- 9.1 An application for a building permit with respect to a complex building shall:
- 9.1.1 be made in the form prescribed by the municipality and signed by the owner, agent appointed by the owner, or a signing officer if the owner is a corporation;
 - 9.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form prescribed by the municipality, signed by the owner, agent appointed by the owner, or a signing officer if the owner is a corporation;
 - ~~9.1.3 include a copy of a land title search made within 30 days of the date of the application;~~
 - 9.1.4 include a site plan prepared by a British Columbia Land Surveyor showing:
 - 9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

- 9.1.4.2 the legal description and civic address of the parcel;
- 9.1.4.3 the location and dimensions of all statutory rights-of-way, easements, and setback requirements;
- 9.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;
- 9.1.4.5 ~~setbacks to the natural boundary of any lake, swamp, pond, or watercourse where the municipality's land use regulations establish siting requirements related to flooding;~~

setbacks to the natural boundary of any lake, river, creek, spring, or wetland where the municipality's land use regulations establish siting requirements related to flooding;
- 9.1.4.6 the existing and finished grade levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where the municipality's land use regulations establish siting requirements related to minimum floor elevation; and
- 9.1.4.7 the location, dimension and gradient of parking and all driveway accesses.
- 9.1.4.8 The Building Official may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing building or structure;
- 9.1.5 include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- 9.1.6 include building elevations and/or sections indicating a geodetic elevation for the building height to a datum established by the requirements of the City of Nanaimo's Zoning Bylaw as amended or replaced;
- 9.1.7 include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights, and construction systems;
- 9.1.8 include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
- 9.1.9 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;

- 9.1.10 include copies of approvals required under any applicable enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits, and Ministry of Health approval;
 - 9.1.11 include a Letter of Assurance in the form of Schedule A as referred to in the Building Code, signed by the owner, or a signing officer of the owner if the owner is a corporation, and the Coordinating Registered Professional;
 - 9.1.12 include Letters of Assurance in the form of Schedule B as referred to in the Building Code, each signed by such registered professionals as the Building Official or Building Code may require in order to prepare the design for and conduct field reviews of the construction of the building or structure;
 - 9.1.13 include ~~two sets of~~ drawings at a suitable scale of the design prepared by each registered professional and including the information set out in Sections 9.1.5 – 9.1.9 of this bylaw; and
 - 9.1.14 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the municipality's subdivision servicing bylaw.
- 9.2 In addition to the requirements of Section 9.1, the following may be required by a Building Official to be submitted with a building permit application for the construction of a complex building where the complexity of the proposed building or structure or siting circumstances warrant:
- 9.2.1 A section through the site showing grades, buildings, structures, parking areas and driveways.
 - 9.2.2 Any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code and other bylaws and enactments relating to the building or structure.
 - 9.2.3 Details of the location, grades and elevations of the streets and public services, including sewer and drainage abutting the parcel and showing access to the buildings, parking, driveways, site drainage provisions, and finished grades all tied into the municipality's geodetic monument system.
 - 9.2.4 A plan that shows the location and size of every building drain and of every trap or inspection piece that is on a building drain.
 - 9.2.5 A sectional drawing that shows the size and location of every soil or waste pipe, trap, and vent pipe. The plans and specifications shall include complete design and calculation criteria so that the Building Official has the information available for examination and shall bear the name, address, and telephone number of the designer.
 - 9.2.6 Confirmation, prepared and sealed by a professional engineer, that adequate fire flows are available for the proposed project in conformance with the guidelines contained in the current edition of the Fire Underwriters Survey publication "Water Supply for Public Fire Protection".

9.2.7 Details of the design of the environmental separation that demonstrates that the proposed construction conforms to the Building Code requirement for restricting entry of rain into the wall assembly.

9.3 Notwithstanding any other provisions of this bylaw or the Building Code, whenever, in the opinion of the Building Official, the proposed work requires specialized technical knowledge, the Building Official may require, as a condition of the issuance of a permit, that all drawings, specifications and plot plans or any part of them be prepared, signed and sealed by, and the construction carried out under the supervision of, an Architect and/or Professional Engineer specializing in the relevant field of design and construction.

9(B) Certified Professional Program

9.4 The Building Official may accept a Permit application for a Complex Building under this Part, in addition to any other information required in this Bylaw in respect of the application, a certified Professional certifies in writing that:

9.4.1 the work covered by the application complies with the Building Code;

9.4.2 the Permit Application has been prepared in accordance with the Certified Professional Program Municipal Insert (together, the "Manuals"); and

9.4.3 the Certified Professional has been retained by the Owner to perform all of the duties of a Certified Professional as set out in the Manuals.

9.5 A Certified Professional certifying an application under section 9(B) must provide proof of insurance in an amount and form satisfactory to the Building Official.

9.6 The Building Official may refuse an application under section 9(B) if the certification under section 9(B) is provided by a Certified Professional who has, in respect of any previous application under this Part, failed to perform the duties of a Certified Professional in accordance with the Manuals, or in accordance with section 9(B).

9.7 A Certified Professional must, in respect of any Building for which a Permit is issued under Section 9(B) and in addition to any other applicable responsibilities:

9.7.1 review for adequacy and acceptability, any report concerning testing and field reviews related to the Building and maintain a detailed record of such reports and, if requested, make these available to the Building Official;

9.7.2 advise the Building Inspector promptly, in writing, if any matter of design, Construction or field review does not meet the requirements of the Building Code, this Bylaw and/or other applicable enactments;

9.7.3 at least once every 30 days from the date of issuance of a Permit, submit to the Building Official a written progress report and any other information as reasonably required by the Building Official; and

9.7.4 if the Certified Professional will, at any time before the completion of the work that is the subject of the Permit cease to be retained or otherwise

involved as the Certified Professional, promptly notify the Building Official in writing of the date upon which they will cease to be involved.

- 9.8 In addition to any other grounds the Building Official may have for posting a Stop Work Order in respect of a Building, the Building Official may post a Stop Work Order or revoke a Permit issued under section 9(B) in any of the following circumstances:
- 9.8.1 if the Certified Professional ceases to be retained by the Owner, resigns or is otherwise unable or unwilling to carry out field reviews or other duties related to the Complex Building for which a Permit application was issued under section 9(B);
 - 9.8.2 if the Certified Professional is no longer licensed as a Registered Professional in the Province of British Columbia;
 - 9.8.3 if the Certified Professional fails to perform any of their duties or obligations under this Bylaw; or
 - 9.8.4 if a document required by this Bylaw is not delivered by the Certified Professional within the time frame specified in this Bylaw.
- 9.9 Where a Permit application is revoked pursuant to section 9.8 or 4.11, only work necessary, as authorized by the Building Official to remove any hazards or to mitigate damage arising from exposure to the elements, may be undertaken on the Complex Building unless otherwise specifically authorized by the Building Official.
- 9.10 Work on the Building must not resume until the Building Official has received written notice from a Certified Professional that the Certified Professional
- 9.10.1 has been retained by the Owner for the continuation of Construction of the Building;
 - 9.10.2 has reviewed the Building and certifies that the Building, as constructed up to that point, substantially complies with the Building Code, this Bylaw and other applicable enactments, and has been constructed in accordance with the approved plans, and
 - 9.10.3 will carry out the duties of the Certified Professional that are required in order to bring the Complex Building to completion and including without limitation to certify compliance with the Building Code, this Bylaw and other applicable enactments and will be in accordance with an issued Permit.
- 9.11 Nothing herein contained shall in any way:
- 9.11.1 relieve the Owner, from full responsibility for ensuring that a Certified Professional is engaged at all times during construction of the Building and that the Building complies with the Building Code, this Bylaw and other applicable enactments; or,

9.11.2 limit the authority or discretion of the Building Official to review application materials, carry out field reviews, or otherwise treat the application or any aspect of the work covered by the application as if it were an application made beyond this part of the bylaw.

9.12 In respect of any Permit application made under this Part, and despite any plan checking or field review the Building Official may choose to carry out, the Building Official will rely on the certifications provided by the Certified Professional and, as applicable, any other Registered Professionals, that the work that is the subject of the application meets the requirements of the Building Code.

10. Applications for Standard Buildings

10.1 An application for a building permit with respect to a standard building shall:

10.1.1 be made in the form prescribed by the municipality, signed by the owner, agent appointed by the owner, or a signing officer if the owner is a corporation;

10.1.2 be accompanied by the owner's acknowledgement of responsibility and undertakings made in the form prescribed by the municipality, signed by the owner, agent appointed by the owner, or a signing officer if the owner is a corporation;

~~10.1.3 include a copy of a land title search made within 30 days of the date of the application;~~

10.1.4 ~~include a site plan drawn to scale showing:~~ include a site plan prepared by a British Columbia Surveyor showing:

10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

10.1.4.2 the legal description and civic address of the parcel;

10.1.4.3 the location and dimensions of all statutory rights-of-way, easements and setback requirements;

10.1.4.4 the location and dimensions of all existing and proposed buildings or structures on the parcel;

~~10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the municipality's land use regulations establish siting requirements related to flooding;~~

setbacks to the natural boundary of any lake, river, creek, spring, or wetland where the municipality's land use regulations establish siting requirements related to flooding;

10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a building or structure where

the municipality's land use regulations establish siting requirements related to minimum floor elevation; and

- 10.1.4.7 the location, dimension and gradient of parking and driveway access.
 - 10.1.4.8 The Building Official may waive the requirements for a site plan in whole or in part where the permit is sought for the repair or alteration of an existing building or structure;
 - 10.1.5 include floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
 - 10.1.6 include building elevations and/or sections indicating a geodetic elevation for the building height to a datum established by the requirements of the City of Nanaimo Zoning Bylaw as amended or replaced;
 - 10.1.7 include a cross-section through the building or *structure* illustrating foundations, drainage, ceiling heights and construction systems;
 - 10.1.8 include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, and finished grade;
 - 10.1.9 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the Building Code;
 - 10.1.10 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits, and Ministry of Health approval; and
 - 10.1.11 include ~~two sets of~~ drawings at a suitable scale of the design, including the information set out in Sections 10.1.5 – 10.1.9 of this bylaw.
- 10.2 In addition to the requirements of Section 10.1, the following may be required by a Building Official to be submitted with a building permit application for the construction of a standard building where the project involves two or more buildings, which in the aggregate total more than 1000 square metres, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed building or structure or siting circumstances warrant:
- 10.2.1 Site servicing drawings, including sufficient detail of ~~off~~-off-site and on-site services to indicate locations at the property line, prepared and sealed by a registered professional in accordance with the municipality's subdivision servicing bylaw.
 - 10.2.2 A section through the site showing grades, buildings, structures, parking areas and driveways.

- 10.2.3 Architectural, roof plan and roof height calculations.
- 10.2.4 Structural, geotechnical, electrical, mechanical, plumbing or fire suppression drawings prepared and sealed by a registered professional.
- 10.2.5 Letters of Assurance in the form of a Schedule B as referred to in the Building Code, signed by the registered professional.
- 10.2.6 Any other information required by the Building Official or the Building Code to establish substantial compliance with this bylaw, the Building Code, and other bylaws and enactments relating to the building or structure.
- 10.2.7 Details of the location, grades and elevations of the streets and public services, including sewer and drainage abutting the parcel and showing access to the buildings, parking, driveways, site drainage provisions and finished grades all tied into the municipality's geodetic monument system.
- 10.2.8 A plan that shows the location and size of every building drain and of every trap or inspection piece that is on a building drain.
- 10.2.9 A sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe. The plans and specifications shall have on them complete design and calculation criteria so that the Building Official has this information available for examination and shall bear the name, address and contact information of the designer.
- ~~10.2.10 A survey of the building site undertaken by a practicing British Columbia Land Surveyor.~~
- 10.2.11 Confirmation prepared by a professional engineer that adequate fire flows are available for the proposed project in conformance with the guidelines contained in the current edition of the Fire Underwriters Survey publication "Water Supply for Public Fire Protection".
- 10.2.12 Details of the design of the environmental separation that demonstrates that the proposed construction conforms to the Building Code requirement for restricting entry of rain into the wall assembly.
- 10.3 Notwithstanding any other provisions of this bylaw or the Building Code, whenever, in the opinion of the Building Official, the proposed work requires specialized technical knowledge, he or she may require, as a condition of the issuance of a permit, that all drawings, specifications and plot plans or any part of them be prepared, signed and sealed by, and the construction carried out under, the supervision of an Architect and/or Professional Engineer specializing in the relevant field of design and construction.

11. Professional Plan Certification

- 11.1 The Letters of Assurance in the form of Schedule B, referred to in the Building Code and provided pursuant to Sections 9.1.11, 10.2.5, and 15.1 of this bylaw, are relied upon by the municipality and its Building Officials as certification that the

design and plans to which the Letters of Assurance relate comply with the Building Code and other applicable enactments relating to safety.

- 11.2 A building permit issued for the construction of a complex building or for a standard building or for a component of a building or for a sign for which a Building Official required professional design, pursuant to Section 10.2.4, and Letters of Assurance, pursuant to Section 10.2.5 of this bylaw, shall be in a form prescribed by the municipality.
- 11.3 A building permit issued pursuant to Section 11.2 of this bylaw shall include a notice to the owner that the building permit is issued in reliance upon the certification of the registered professionals that the design and plans submitted in support of the application for the building permit comply with the Building Code and other applicable enactments relating to safety.
- 11.4 When a building permit is issued in accordance with Section 11.2 of this bylaw, the building portion of the permit fee shall be reduced by 5% of the fees payable, pursuant to Schedule A of the Fees and Charges Bylaw.

12. Fees and Charges

- 12.1 In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule A of the Fees and Charges Bylaw, shall be paid in full prior issuance of any permit under this bylaw. The fees payable for a building permit shall be based on the value of the proposed work, as estimated by the applicant, provided that:
 - 12.1.1 where there is a dispute as to the basis of valuing the work to be done, the Building Official may determine the value on the basis of the Marshall Valuation Service by Marshall Swift;
 - 12.1.2 if upon the completion of the work, it appears that the actual value of the construction has been in excess of the estimate, the value of the work for the purpose of calculating the permit fee shall be the actual value as determined by the Building Official; the permit fee shall be adjusted upwards, and the difference shall be paid forthwith to the municipality; and
 - 12.1.3 where the value of work has been undervalued, the Building Official may, before issuing a Certificate of Occupancy require the applicant or his agent to make a statutory declaration or swear an affidavit as to the actual value of the completed work, and may hold back such permit until all fees are paid.
- 12.2 An application made for a building permit shall be accompanied by the appropriate application fee as set out in Schedule A of the Fees and Charges Bylaw.
 - 12.2.1 The building permit application fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
 - 12.2.2 When an application is cancelled, the plans and related documents submitted with the application may be destroyed.

- 12.3 The owner may obtain a refund of 75% of the permit fees set out in Schedule A of the Fees and Charges Bylaw when a permit is surrendered and cancelled before any construction begins. Notwithstanding:

12.3.1 the refund shall not include the building permit application fee paid, pursuant to section 12.2 of this bylaw; and

12.3.2 no refund shall be made where construction has begun, an inspection has been made, or the building permit has expired.

- 12.4 ~~Where, due to non-compliance with this bylaw, more than two inspections are necessary where one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A of the Fees and Charges Bylaw shall be paid prior to additional inspections being performed.~~

“Where any re-inspection carried out pursuant to this Bylaw, discloses faulty work and a subsequent inspection is thereby made necessary, a re-inspection charge as set out in Schedule A of the Fees and Charges Bylaw shall be paid prior to additional inspections being performed.”

- 12.5 ~~An inspection charge, as set out in Schedule A of the Fees and Charges Bylaw, shall be payable in advance for a voluntary inspection to establish compliance of, or to obtain a report on, the status of an existing building or structure for which a permit is sought under this bylaw.~~

“Where a permit holder fails to have the work to be inspected accessible and/or ready at the time of scheduled inspection, a re-inspection charge, as set out in Schedule A of the Fees and Charges Bylaw, shall be paid prior to additional inspections being performed.”

- 12.6 Where there are more than two requested revisions to plans at the permit application stage, a charge for each additional revision, as set out in Schedule A of the Fees and Charges Bylaw, shall be added to the permit fee.

13. Building Permits

- 13.1 ~~When:~~ A Building Official shall issue the permit for which the application is made when:

13.1.1 a completed application including all required supporting documentation has been submitted;

13.1.2 the proposed work set out in the application substantially conforms to the Building Code, this bylaw and all other applicable bylaws and enactments;

13.1.3 the owner or his or her representative has paid all applicable fees set out in Section 12 of this bylaw;

13.1.4 the owner or his or her representative has paid all charges and met all requirements imposed by any other enactment or bylaw; and

13.1.5 no enactment, covenant, agreement or regulation in favour of, or regulation of, the municipality authorizes the permit to be withheld.

~~a Building Official shall issue the permit for which the application is made.~~

13.2 When the application is with respect to a building that includes or will include a residential occupancy, the building permit shall not be issued unless the owner provides evidence pursuant to the *Homeowner Protection Act* that the proposed building:

13.2.1 ~~is covered by home warranty insurance, and~~ **is covered by home warranty insurance, and the constructor is a licensed residential builder; or**

13.2.2 ~~the constructor is a licensed residential builder.~~ **has provided proof of rental exemption; or**

13.2.3 has provided proof of an owner building authorization.

13.3 ~~Section 13.2 of this bylaw does not apply if the owner is not required to be licensed and to obtain home warranty insurance in accordance with the relevant sections of the *Homeowner Protection Act*.~~

13.4 Every permit is issued upon the condition that the permit shall expire and the rights of the owner under the permit shall terminate if:

13.4.1 the work authorized by the permit has not commenced within 6 months from the date of issuance of the permit; or

13.4.2 work is discontinued for a period of 12 months.

13.5 A Building Official may extend the period of time set out under Sections 13.4.1 and 13.4.2 where construction has not commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the owner's control.

13.6 A Building Official may issue a building permit for a portion of a building or structure before the design, plans, and specifications for the entire building or structure have been accepted, provided sufficient information has been provided to the municipality to demonstrate to the Building Official that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the building or structure has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure had not been issued.

13.7 Subject to compliance with other applicable bylaws, the Building Official may issue a permit for the erection or placement of a temporary building if he or she is satisfied that the building is safe for the stated use and duration.

13.7.1 The word "temporary", as used in this subsection, shall mean a period not exceeding 12 months.

13.7.2 Applications for a permit to construct a temporary building shall be made in writing to the Building Official accompanied by:

13.7.2.1 plans showing the location of the building on the site and construction details of the building;

13.7.2.2 a statement of the intended use and duration of the use; and

13.7.2.3 a bond or certified cheque in the amount of Two Thousand Dollars (\$2,000.00), as a guarantee towards the removal of the building in its entirety and the site condition being left in a safe and sanitary condition to the satisfaction of the Building Official upon expiration of the permit. If removal of the building has not occurred within the specified time frame, the Building Official may send written notice to the owner advising that the building does not comply with this bylaw or other enactment and direct the owner to remedy the non-compliance within 30 days from the date of the notice letter. If the non-compliance is not remedied within the period of 30 days, the certified cheque or other security in the sum of Two Thousand Dollars (\$2,000.00) shall be forfeited to the municipality.

13.8 When a site has been excavated and a building permit is not subsequently issued, or a subsisting building permit has expired in accordance with the requirements of Section 13.4 but without the construction of the building or structure for which the building permit was issued having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days from the date of written notice from by the municipality to do so.

13.9 In the case of a permit for a building or structure to be used to shelter any human use or occupancy, the Works and Services are required to be installed to provide the parcel with water, sanitary and storm drainage:

13.9.1 by the municipality; or

13.9.2 by a person other than the municipality provided a Certificate of Acceptance has been issued by the municipality for the Works and Services.

14. Disclaimer of Warranty or Representation

14.1 Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a Building Official, shall constitute a representation or warranty that the Building Code or the bylaw have been complied with or the building or structure meets any standard of materials or workmanship.

15. Professional Design and Field Review

15.1 When a Building Official considers that the site conditions, size or complexity of a development or an aspect of a development warrant, they may require a registered

professional provide design and plan certification and field review by means of Letters of Assurance in the form of Schedules B and C-B referred to in Division C of Part 2 of the Building Code.

- 15.2 Prior to the issuance of an occupancy certificate for a complex building or standard building in circumstances where Letters of Assurance have been required in accordance with Sections 9.1.12, 10.2.5 or 15.1 of this bylaw, the owner shall provide the municipality with Letters of Assurance in the form of Schedules C-A and/or C-B, as is appropriate, referred to in Division C of Part 2 of the Building Code.

16. Responsibilities of the Owner

- 16.1 Every owner shall ensure that all construction complies with the Building Code, this bylaw, and other applicable enactments respecting safety.

- 16.2 Before construction commences the owner shall:

16.2.1 determine that the building site is safe and will not be affected by flooding water caused by surface run-off or otherwise, or by other hazards;

16.2.2 if applicable, obtain elevation and construction requirements relative to provincial floodplain restrictions from the Ministry of Environment;

16.2.3 in all cases where it is proposed to conduct the waste from plumbing fixtures, trade waste, or surface or roof water to a private or public sewer:

16.2.3.1 make certain by inquiring from the Director of Engineering and Public Works that such private or public sewer is at a sufficient depth and of a capacity to receive such discharge; and

16.2.3.2 ensure that the elevation of the system allows for sufficient drainage;

16.2.4 incorporate into the design and plans submitted for a permit, the climatic data as contained in the Building Code; and

16.2.5 obtain from the municipality, or other authority having jurisdiction where applicable, all necessary permits relating to demolition, excavation, building, repair of buildings, relocation of buildings, zoning, change in classification of occupancy, swimming pools, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, access, electrical installations, and all other permits required in connection with the proposed work prior to the commencement of work.

- 16.3 Every owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.

- 16.4 Every owner to whom a permit is issued shall, during construction:

- 16.4.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
- 16.4.2 keep a copy of the accepted designs, plans, and specifications on the property for the use of the Building Official;
- 16.4.3 post the civic address on the property in a location visible from any adjoining streets;
- 16.4.4 allow the Building Official to enter the building or premises at any reasonable time for the purpose of inspection;
- 16.4.5 ensure that no work is done on any part of the building or structure beyond any point outlined in Section 17.4 without first obtaining the written approval of the Building Official; and
- 16.4.6 where tests of any materials are required by the Building Official to ensure conformity with the requirements of this bylaw or any enactment, transmit to the Building Official records of the test results.

17. Inspections

- 17.1 When a registered professional provides Letters of Assurance in accordance with Sections 9.1.11, 10.1.10, 10.2.5, 15.1 or 15.2 of this bylaw, the municipality will rely solely on field reviews undertaken by the registered professional and the Letters of Assurance submitted, pursuant to Section 15.2 of this bylaw, as assurance that the construction substantially conforms to the design and that the construction substantially complies with the Building Code, this bylaw, and other applicable enactments respecting safety.
- 17.2 Notwithstanding Section 17.1 of this bylaw, a Building Official may attend the site from time to time during the course of construction to ascertain that the field reviews are taking place and to monitor the field reviews undertaken by the registered professionals.
- 17.3 A Building Official may attend periodically at the site of the construction of standard buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the those portions of the Building Code, this bylaw, and any other applicable enactment concerning safety.
- 17.4 The owner or his or her representative shall give at least 24 hours' notice to the municipality when requesting an inspection and shall obtain an inspection and receive a Building Official's acceptance of the following aspects of the work prior to concealing it:
 - 17.4.1 When the forms for footings are complete, including any reinforcing steel, but prior to placing any concrete therein. Prior to approval of the foundation, a British Columbia Land Surveyor's certificate may be required by the Building Official if deemed necessary to determine the location on the site.

- 17.4.2 After installation of foundation drains, dampproofing and drain rock, but prior to backfilling against the foundation. Approvals for installation of perimeter drains are subject to completion of backfilling within 24 hours of the inspection.
- 17.4.3 When any pipes in a plumbing system or when plumbing appurtenances are installed in a location where they could be covered at a later stage of construction.
- 17.4.4 When wall sheathing installation is complete except for the box ends and rim joists prior to the installation of building paper.
- 17.4.5 When framing, including fire-stopping, bracing of chimneys, duct work, wiring, ~~and~~ roofing, building paper, flashing, weatherproofing of openings and window installation is complete, but before installation of any siding, wire mesh or stucco.
- 17.4.6 ~~Before a building drain, sanitary or storm sewer is covered.~~ **Before a building drain, water service/fireline, sanitary or storm sewer is covered.** When considered necessary, underground building drains, branches, storm drains, and sewers shall be retested after the completion of all backfilling and grading by heavy equipment.
- 17.4.7 When the insulation and vapour barrier have been completed, but before any interior finish is applied which could conceal the insulation.
- 17.4.8 When the smoke chamber of a fireplace or the chimney breaching assembly is complete, but before continuation of the assembly above this point.
- 17.4.9 Upon completion of the installation of solid fuel burning appliances, furnaces or boiler installations in accordance with the Building Code, but prior to it being placed in service.
- 17.4.10 When the building or portion thereof is complete and ready for occupancy, but prior to any occupancy thereof.
- 17.4.11 Any additional inspections as required by the Building Official.
- 17.5 No aspect of the work referred in Section 17.4 of this bylaw shall be concealed until the Building Official has accepted it in writing.
- 17.6 The Building Official may require an applicant to uncover any part of a construction which was covered before it was inspected and approved.
- 17.7 A report from the Building Official will be left on the construction site following each inspection, giving approval of work done or listing corrections which require reinspection and approval.

- 17.8 Where more than one inspection and one reinspection is required for approval to be given for a stage of construction, a fee, as set out in the Fees and Charges Bylaw, shall be paid prior to requesting ~~the second~~ any subsequent reinspection.
- 17.9 The requirements of Section 17.4 of this bylaw do not apply to any aspect of the work that is the subject of a registered professional's Letter of Assurance provided in accordance with Sections 9.1.11, 9.1.12, 10.2.5, 15.1 or 15.2 of this bylaw.

18. Certificate of Occupancy

- 18.1 No person shall occupy a building or structure or part of a building or structure until a Certificate of Occupancy has been issued in the form prescribed by the municipality. (7224.02)
- 18.2 A Certificate of Occupancy shall not be issued unless:
- 18.2.1 all Letters of Assurance have been submitted when required, in accordance with Sections 9.1.11, 9.1.12, 10.2.5, 15.1 and 15.2 of this bylaw; and
- 18.2.2 all aspects of the work requiring inspection and acceptance pursuant to Section 17.4 of this bylaw have both been inspected and accepted, or the inspections and acceptance are not required in accordance with Section 17.9 of this bylaw.
- 18.3 A Building Official may issue a Certificate of Occupancy for part of a building or structure when the part of the building or structure is self-contained, provided with essential services, and the requirements set out in Section 18.2 of this bylaw have been met with respect to it.
- 18.4 The owner shall:
- 18.4.1 prior to the occupancy of any building or part of it, after completion of construction of the building or part of it, or prior to any change in occupancy of any building or part of it, obtain from the Building Official a Certificate of Occupancy, which may be withheld by the Building Official until the building or part of it complies with the requirements of this bylaw and any other enactment;
- 18.4.2 prior to the occupancy of the building, permanently affix the designated street number on the building and/or property so that it is visible from the street; and
- 18.4.3 obtain from the Building Official written permission prior to resuming construction which has been suspended on any building.
- 18.5 Where a change in the occupancy of a building or portion thereof is proposed, no Certificate of Occupancy will be issued until the Building Official is satisfied that no reduced level of safety will result.

19. Retaining Structures

- 19.1 A registered professional shall undertake the design and conduct field reviews of the construction of a retaining structure greater than 1.5 metres in height. Sealed copies of the design plan and field review by means of Letters of Assurance in the form of Schedules B and C-B, referred to in Division C of Part 2 of the Building Code for all retaining structures greater than ~~1.5~~ 1.2 metres in height, shall be submitted to a Building Official prior to acceptance of the works.

20. Relocation

- 20.1 No person shall:

20.1.1 move or cause to be moved any building or structure from one parcel to another without first obtaining a permit;

20.1.2 move or cause to be moved any building or structure unless it has been determined, to the satisfaction of the Building Official, that the building or structure meets the requirements of the Building Code and any enactments, or the applicant provides plans and specifications to the satisfaction of the Building Official detailing any and all upgrading required to meet the requirements of this bylaw and any enactments after the building is moved to a new site; or

20.1.3 relocate a residential building or part of it to another parcel of land within the municipality unless it can be shown that the dwelling, once reestablished on this new site, will have an assessed value not less than 1-1/4 times the average assessed values of all dwellings situated within 50 metres of the site or parcel of land to which the building is to be moved.

- 20.2 A person who applies for a permit to move a building or structure or part of it either within or into the municipality shall deposit with the Building Official a certified cheque or other financial security in the amount of Two Thousand Dollars (\$2,000.00), payable to the municipality, issued in a form satisfactory to the municipal Director of Finance, to ensure that the building shall be completely re-erected on the new site within 12 months of the date of issuance of the permit. If the building or part of it is not completed within the specified time, the Building Official may send a written notice to the owner advising that the building does not comply with this bylaw or other enactment and direct the owner to remedy the non-compliance within 30 days from the date of the notice letter. If the non-compliance is not remedied within the period of 30 days, the certified cheque or other security in the sum of Two Thousand Dollars (\$2,000.00) shall be forfeited to the municipality.

- 20.3 Every person relocating a building or structure from a site within the municipality shall ensure that the site shall be left in a neat, clean, and safe condition after the removal.

21. Demolitions

- 21.1 No person shall demolish a building without first obtaining a permit.
- 21.2 Every person making application for a permit to demolish a building shall, as part of their application, provide the Building Official with satisfactory evidence that:
 - 21.2.1 no unsafe condition will be created or permitted; and that
 - 21.2.2 the site of the demolition will be left in a safe, neat condition, free from debris and compatible with neighbouring properties to the satisfaction of the Building Official.

22. Plumbing

- 22.1 Except as has hereinafter specifically provided, no plumbing shall be installed, altered, or repaired until a permit to do so has first been obtained pursuant to this bylaw.
- 22.2 No permit shall be required for the repair of leaks in water pipes or the replacing of plumbing fixtures, provided that such fixtures and the installation thereof conform with all other requirements of this bylaw and the provincial Plumbing Code, or for the removal of stoppages in sewer or drain pipes, provided that clean-outs are utilized for such purpose and it is not necessary to cut any sewer or drain pipe.
- 22.3 No person shall cover or conceal any part of a plumbing system unless it has been firstly approved by the Building Official as set out in Section 17.4 of this bylaw.
- 22.4 All plumbing shall be installed in accordance with the British Columbia Plumbing Code in effect.

23. Swimming Pools

- 23.1 No person shall commence or continue any work related to the installation, construction, or alteration of a swimming pool or related ancillary equipment unless a valid permit has been obtained pursuant to this bylaw.
- 23.2 Fences:
 - 23.2.1 Fences shall be constructed around the perimeter of swimming pools and shall not be less than 1.5 metres (4.92 feet) high. The base of every fence shall be not more than 100 millimetres (4 inches) above ground or adjacent grade.
 - 23.2.2 No horizontal or angled framing member shall be located on the outside of the fence between 150 millimetres (6 inches) and 900 millimetres (36 inches) above ground level or adjacent finished grade. Fences composed of vertical members shall have no openings of a size which will permit the passage of a spherical object having a diameter of

100 millimetres (4 inches). Fences composed of angle members shall have no openings between adjacent members greater than 13 millimetres (1/2 inch).

23.2.3 Notwithstanding the provisions of this section, standard chain link wire mesh may be acceptable, provided that such fence is a minimum of 1.5 metres (4.921 feet) in height.

23.2.4 Access through required fences shall be by means of self-closing gates, so designated as to cause the gates to become secured with self-latching devices located on the swimming pool side of the fence and at a height of at least 1 metre (3.281 feet) above grade at the outside of the fence, or on the outside of the fence at 1.5 metres (4.921 feet) above grade.

24. Works and Services Required

24.1 The owner of land upon which a development is to take place and for which a building permit is required shall provide Works and Services as a condition of the issuance of the building permit, in accordance with the standards set out in Schedule 'A' of the municipality's Subdivision Control Bylaw, as amended or replaced, on that portion of a highway immediately adjacent to the site being developed, up to the centre line of the highway, as follows:

24.1.1 *Highways*: Highways shall be constructed or reconstructed as follows:

24.1.1.1 Where finished road grades have been or can be established on the highway fronting the site being developed, the street shall be constructed to the full standard for the classification of highway up to the centre line of the highway, including curb and gutter. Unless otherwise provided for in this section, the total width of the traveled asphalt surface shall not be less than 7.5 metres.

24.1.1.2 Where finished grades have not been established, the standard for highway construction required in Section 24.1.1.1 of this bylaw may be reduced by the Municipal Engineer.

24.1.2 *Sidewalks (Concrete)*: Concrete sidewalks shall be constructed where the following criteria apply:

24.1.2.1 finished sidewalk grades can be established on the highway fronting the site being developed; and

24.1.2.2 the sidewalk will form part of a pedestrian traffic route.

24.1.3 *Sidewalks (Asphalt)*: Asphalt walking shoulders shall be constructed where the following criteria apply:

24.1.3.1 finished concrete sidewalk grades cannot be established on the highway fronting the site being developed, and an asphalt walking shoulder will form part of a pedestrian route; and

- 24.1.3.2 where required, an asphalt walking shoulder shall not be less than 1.5 metres in width. Sub-base, base and asphalt materials, and structure shall be in accordance with the requirements for an urban street.
- 24.1.4 *Boulevards*: Boulevards shall be constructed within highway rights-of-way immediately adjacent to the site being developed.
- 24.1.5 *Ornamental Lighting*: An ornamental street lighting system shall be provided where the following criteria apply:
 - 24.1.5.1 where an ornamental streetlight system will form part of an extension of an existing ornamental system in a highway fronting the site being developed; and
 - 24.1.5.2 where an ornamental streetlight system can be extended along the highway abutting the site being developed with future development of adjacent land.
- 24.1.6 *Storm Drainage*: A piped storm sewer system shall be constructed where the following criteria apply:
 - 24.1.6.1 finished grades, alignments and sizing can be determined;
 - 24.1.6.2 there is an existing piped storm sewer system to which connection can be made; or
 - 24.1.6.3 there are drainage problems which cannot be resolved by the construction of ditches or works, other than piping.
- 24.1.7 *Water Distribution*:
 - 24.1.7.1 The water distribution system shall be extended where the following criteria apply:
 - 24.1.7.1.1 The building development on the site being developed requires water service and/or fire hydrants; and
 - 24.1.7.1.2 The water distribution system is designed to be extended in the highway fronting the site being developed.
 - 24.1.7.2 If the existing water distribution system was designed to be extended along that side of the highway which abuts the site being developed, then the water system should be extended the full frontage of the site being developed.
 - 24.1.7.3 If the existing water distribution system was designed to be extended along the opposite side of the highway from the site being developed, or the water distribution system will not serve

lands beyond the site being developed, the system shall be extended sufficiently to provide a service connection to the site being developed.

24.1.8 *Sanitary Sewers:*

24.1.8.1 The sanitary sewer system shall be extended where the following criteria apply:

24.1.8.1.1 The site development requires a sanitary sewer service; and

24.1.8.1.2 The sanitary sewer system is designed to be extended in the existing highway fronting the site being developed.

24.1.8.2 If the sanitary sewer system was designated to be extended along that side of the highway which abuts the site being developed, then the sewer system should be extended the full width of the site being developed.

24.1.8.3 If the sanitary sewer system was designed to be extended along the opposite side of the highway from the site being developed, or the sanitary sewer system will not serve lands beyond the site being developed, the system shall be extended sufficiently to provide a connection to the parcel being developed.

25. Exemptions to Works and Services (7224.02)

25.1 The requirements in Section 24 shall not apply where:

25.1.1 the construction will take place on a parcel of land which is zoned:

25.1.1.1 "I-1" (Highway Industrial) and the value of construction does not exceed \$150,000;

25.1.1.2 "I-2" (Light Industrial) and the value of construction does not exceed \$250,000;

25.1.1.3 "I-3" (High Tech Industrial); or

25.1.1.4 "I-4" (Industrial).

25.1.2 the construction will result in the addition to an existing building and the additional floor area will not exceed 25% of the existing floor area of the building, or a maximum of 600 square meters, whichever is lesser;

25.1.3 the construction will result in the creation and/or location of no more than a total of four residential units on the site being developed; or

25.1.4 the construction will not result in an increase in floor area to an existing building or structure.

- 25.2 Where the construction will take place on a parcel which is zoned for industrial use as set out in City of Nanaimo Zoning Bylaw as amended or replaced or for which approval for industrial development has been granted by way of a land use contract, the Works and Services required under Sections 24.1.2, 24.1.3 and 24.1.4 shall not apply.
- 25.3 For the purposes of this section, any construction of or to a building shall be deemed to include construction for which a permit was issued within the 24 months immediately preceding the application for a permit.

26. General

- 26.1 All Works and Services required under this bylaw shall be designed by a Professional Engineer registered in the province of British Columbia.
- 26.2 Upon completion of all required Works and Services, the owner shall submit "As Constructed" drawings and "Certification of the Works" installed, both completed by a Professional Engineer in accordance with the requirements of the Standards set out in Schedule 'A' of the municipality's Subdivision Control Bylaw and to the satisfaction of the Building Official. All aspects of the work shall meet the requirements of the standards contained in Schedule 'A' of the municipality's Subdivision Control Bylaw as amended or replaced.
- 26.3 The Works and Services required by this bylaw shall be provided, located, and constructed at the expense of the owner of the land proposed to be subdivided.
- 26.4 All Works and Services constructed under Sections 24, 25 and 26 of this bylaw shall, upon their acceptance by the municipality, become the property of the municipality, free and clear of all encumbrances.

27. Bonding (7224.02)

- 27.1 An owner required to install Works and Services must deposit security for the proper completion of the Works and Services in the form of a cash deposit, certified cheque, or a standby irrevocable letter of credit.
- 27.2 The security shall be in the amount of 110% of the cost of engineering, surveying, construction, and installation of the Works and Services required to be installed, as determined by the Municipal Engineer.
- 27.3 If the owner requests issuance of a building permit prior to completion of construction and the installation of all Works and Services required to be installed by and at the expense of the owner, the owner shall enter into an Agreement with the municipality prior to issuance of the building permit.
- 27.4 The owner shall be responsible for maintaining and correcting the Works and Services against any defects arising from installation, materials, workmanship, or engineering design which may appear within a period of one year from the date of Substantial Completion of the Works and Services.

- 27.5 Defects discovered during the maintenance period referred to in Section 27.4 shall be rectified to the satisfaction of the Municipal Engineer by replacing faulty materials, correcting failed work or taking other necessary steps specified by the Municipal Engineer to rectify the defect. The same one-year maintenance period shall apply to such replacement materials or rectified work, and the maintenance period for the rectified defect shall begin on the date the Municipal Engineer accepts such replacement materials or rectified defects. If it is discovered by use, tests, or inspection of the Works and Services prior to the end of a maintenance period that a deficiency or defect exists in the materials, workmanship, or design in respect of the Works and Services, the owner shall arrange to rectify the deficiency or defect within a reasonable time frame acceptable to the Municipal Engineer. In the event that this work, in the opinion of the Municipal Engineer, must be done immediately to prevent injury or loss of life, or injury or serious damage to property, the municipality may perform or cause to be performed the necessary work and will notify the owner accordingly.
- 27.6 Work required during the maintenance period shall, except as otherwise provided herein for emergencies, be carried out by the owner or his representative within 10 days of the Municipal Engineer's written instruction to perform the work. In the event that this work is not done by the owner within the 10-day period, or such period as may be approved by the Municipal Engineer, the Municipal Engineer is authorized to take whatever action is necessary to have the work completed at the cost of the owner.
- 27.7 The owner shall pay on written demand from the municipality all costs incurred by the municipality resulting from the performance by the municipality, or contractors on the municipality's behalf, of work during the maintenance period under Sections 27.5 and 27.6 of this bylaw, subject to the municipality's right to draw down on the security deposited with the municipality under Section 27.1 of this bylaw.
- 27.8 The municipality shall hold security deposited for the maintenance period and may from time to time draw down on the security to pay for costs incurred by the municipality to do work under this section.
- 27.9 If the security deposited under this bylaw is insufficient to cover the costs incurred by the municipality to do work during the maintenance period, the owner shall pay to the municipality the amount of such difference immediately on written demand.
- 27.10 At the termination of the maintenance period, the municipality shall return to the owner the security or any amount remaining in the security to the extent that such amount may not be retained by the municipality under Section 27.8 of this bylaw."
28. Establishing Fire Limit Areas
- 28.1 For the purpose of regulating the construction of certain buildings for precautions against fire, those areas of the city of Nanaimo located in commercial, industrial, mixed-use, public, institutional, mobile home park, and residential multiple zones established in the City of Nanaimo's Zoning Bylaw as amended or replaced are established as fire limit areas.

- 28.2 Except as provided otherwise in the bylaw, where an owner of land within a fire limit constructs or causes construction to a building, the owner shall install a fire sprinkler system throughout the entire building. A building permit will not be issued for such construction unless the applicant for the building permit submits a design drawing showing the location where fire sprinklers will be installed. The sprinkler system shall be installed and maintained to standards as set out in the British Columbia Building Code or to the required standards of the National Fire Protection Association (NFPA) current as of the date of the permit.
- 28.3 For the purposes of this section, any construction of or to a building shall be deemed to include construction for which a building permit was issued within the 24 months immediately preceding the application for a permit.
- 28.4 The requirements in Sections 28.2 shall not apply where:
- 28.4.1 the construction will result in the creation and/or location of no more than a total of two residential units on the parcel; or
 - 28.4.2 the construction will result in only fully detached single dwelling units on the property; or
 - 28.4.3 the construction will consist only of alterations to an existing building or structure and the value of construction will not exceed 50% of the current assessed value of the building, as determined by the BC Assessment Authority, or the current appraised value of the building, as determined by a member of the British Columbia Branch of the Appraisal Institute of Canada; or
 - 28.4.4 the construction will result in the addition to an existing building that will not exceed 25% of the existing floor area of the building or a maximum gross floor area of 200 square metres, whichever is the lesser; where construction will result in a non-combustible addition to a non-combustible building that will not exceed 25% of the existing floor area of the building, or a maximum gross floor area of 600 square metres, whichever is lesser;
 - 28.4.5 the construction will result in the construction of a detached building(s) having a total gross floor area of less than 100 square metres; or
 - 28.4.6 the construction will result in an unoccupied mechanical building not exceeding 300 square metres; or a non-combustible building used only for a car wash which does not exceed 300 square metres; or stand-alone greenhouses that are utilized only for food production or decorative plants not exceeding 300 square metres; or a non-combustible building used only for storing and processing of steel, salt, or rock products; or a fabric-covered building in Industrial Zones (I-1, 1-2, I-3, 1-4) used for storage, processing, or manufacturing where a registered professional specializing in building codes, alternative solutions, and fire science has submitted in a report that provides specifications to minimize the fire hazard in and around the structure; or
 - 28.4.7 non-combustible canopies over gasoline pumps or other areas where flammable liquids are handled.

29. BC Energy Step Code / BC Zero Carbon Step Code (7224.02, 7224.05)

- 29.1 Any new building or structure to which Part 3 or Part 9 of the Building Code applies, and is within the scope of the application of the Zero Carbon Step Code, as described in the Building Code, must be designed and constructed to meet performance requirements specified in EL-1 (measure only) of the Zero Carbon Step Code.
- 29.2 In the case of a building permit submitted after 2024-JUL-01, a new building or structure to which Part 3 or Part 9 of the Building Code applies, and which is within the scope of the Zero Carbon Step Code, must be designed and constructed to meet performance requirements specified in EL-4 (Zero Carbon Performance) of the Zero Carbon Step Code
- 29.3 In the case of a building permit submitted after 2026-JAN-01, a new building or structure to which Part 3 of the Building Code applies, and which is within the scope of the Energy Step Code as described in the BC Building Code, must be designed and constructed to meet the performance requirements specified in Step 3 of the BC Energy Step Code.”
- 29.4 When an Energy Advisor or an architect, as required, provides energy reports or field reviews in accordance with this bylaw, the City will rely solely on field reviews undertaken by the Energy Advisor or architect and the reports submitted pursuant to this bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof substantially complies with the Building Code, this bylaw, and other applicable enactments respecting energy efficiency and greenhouse gas emissions.
- 29.5 With respect to a building permit for a building or structure that falls within the scope of Part 9 of the Building Code, the owner must provide, to the satisfaction of the Building Official, all the materials and documentation required by the BC Energy Step Code and BC Zero Carbon Step Code, prepared and signed by an Energy Advisor or Registered Professional, and such other reports and materials as required by the Building Official.
- 29.6 The Energy Advisor, providing the required materials and documentation set out in the BC Energy Step Code and BC Zero Carbon Step Code, must provide evidence to the building inspector that they are an Energy Advisor registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System Administrative Procedures and adheres to the technical standards and procedures of the ERS.
- 29.7 For certainty, and notwithstanding Sections 29.5 above, where a registered professional is required under this bylaw, in respect of a building permit for a building or structure that falls within the scope of Part 3 or Part 9 of the Building Code, the professional design and field review shall include the materials and documentation required by the applicable step of the BC Energy Step Code and BC Zero Carbon Step Code, and such other reports and materials as required by the Building Official.

30. Penalties and Enforcement (7224.02)

~~30.1 Every person who:~~

~~30.1.1 violates any of the provisions of this bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw;~~

~~30.1.2 neglects or refrains from doing anything required to be done by any of the provisions of this bylaw;~~

~~30.1.3 carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw; or~~

~~30.1.4 who fails to comply with any order, direction or notice given under this bylaw shall be liable:~~

~~(a) on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00) in addition to the costs of prosecution; or~~

~~(b) if an information is laid by means of a Municipal Ticket Information in accordance with the procedure set out in Part 8, Division 3 of the *Community Charter*, to a fine as stipulated in Schedule "A" of this bylaw; or~~

~~(c) if the *Local Government Bylaw Notice Enforcement Act* applies, and a Bylaw Notice is laid in accordance with that Act, to a penalty in accordance with Schedule 'A' to the Bylaw Notice Enforcement Bylaw 2012 No. 7159".~~

~~30.2 Any breach of this bylaw as noted under 30.1 may be considered as a separate offense for every separate day the offense occurs, with fines applied accordingly.~~

30.1 Any Person who causes permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.

30.2(a) This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.

30.2(b) Each day that an offence continues or exists shall constitute a separate offence.

30.3 A Building Official may order the cessation of any work that is proceeding in contravention of the Building Code or this bylaw by posting a Stop Work Order in a form prescribed from time to time by the municipality.

- 30.4 The owner of property on which a Stop Work Order has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work Order has been rescinded in writing by a Building Official.
- 30.5 Where a person occupies a building or structure or part of a building or structure in contravention of Section 6.2 of this bylaw, a Building Official may post a Do Not Occupy notice in a form prescribed from time to time by the municipality.
- 30.6 The owner of property on which a Do Not Occupy notice has been posted, and every person, shall cease occupancy of the building or structure immediately and shall refrain from further occupancy until all applicable provisions of the Building Code and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a Building Official.
- 30.7 Every person who commences work requiring a building permit without first obtaining such permit shall pay to the municipality double the building permit fee prescribed by the Fees and Charges Bylaw.

31. Severability

- 31.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

32. Repeal

City of Nanaimo "Building Bylaw 2003 No. 5693" and amendments thereto, are hereby repealed.

~~33. Schedules (7224.02)~~

~~Council authorizes that Schedule 'A' may be omitted and established by resolution where the schedule can be more conveniently contained in a resolution.~~

Schedule "A" (7224.02)

Fine Schedule

Offence	Section	Fine
Construct without permit	6.1	\$300.00
Occupy building without valid Certificate of Occupancy	6.2	\$300.00
Supply false information	6.3	\$300.00
Tamper with posted Notice	6.4	\$500.00
Work in variance of plans	6.5	\$300.00
Obstruct Building Official	6.6	\$500.00
Occupy when occupancy changed	6.7	\$300.00
Continue to construct when not permitted	6.8	\$500.00
Fail to leave site clean and safe	20.3	\$300.00
Fail to leave the site in a safe, neat condition, free of debris and compatible with the neighbouring property	21.2.2	\$300.00
Cover or conceal plumbing	22.3	\$300.00
Install pool without a permit	23.1	\$300.00

DATE OF MEETING NOVEMBER 20, 2023

AUTHORED BY TERESA LEE, REAL ESTATE TECHNICIAN, REAL ESTATE

**SUBJECT 340 CAMPBELL STREET – ACCEPTANCE OF PROJECT UNDER
“REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261”**

OVERVIEW

Purpose of Report

To obtain Council approval for a multi-family development at 340 Campbell Street to be included in the Downtown Revitalization Tax Exemption program. |

Recommendation

That Council approve the Revitalization Tax Exemption Agreement for a proposed multi-family development with no fewer than 160 units at 340 Campbell Street.

BACKGROUND

The owner of 340 Campbell Street, 340 Campbell Holdings Ltd. (the “Owner”), has applied for and received a development permit (DP1223) to construct a multi-family residential development with no fewer than 160 units (the “Project”).

The Project is a significant development that will help transform the north end of Wallace Street and is anticipated to increase the downtown population by 300 residents. The Project aligns with many goals of the City Plan, in particular the objective of downtown being the primary urban centre for the City.

The Owner is seeking a ten-year exemption for the Project. The Revitalization Tax Exemption (RTE) Agreement (Attachment A) requires Council approval under the “Revitalization Tax Exemption Bylaw 2018 No. 7261”. The main goal of the RTE program is to encourage new multi-family and commercial investment in the downtown core.

The program applies to all major renovations, additions, demolitions and rebuilds, and new construction in the downtown core associated with commercial and multi-family residential housing over a construction value of \$500,000. The RTE applies to the municipal tax portion and only applies to the increase in assessment resulting from the capital improvement. The RTE program runs for a maximum length of ten years.

The property is currently assessed as a Class 1 (residential) property with an assessed value of \$1,718,000 in 2023, resulting in \$5,621 of municipal taxes being paid to the City of Nanaimo. The mixed-use building is proposed to have a Class 1 (residential) value of \$36,138,262. The exemption relates to municipal taxes only and the owner will still be responsible for property taxes charged by other agencies. Based on projected 2024 rates, the estimated exemption equates to approximately \$118,154 of municipal taxes per annum. |

DISCUSSION

Key Terms of the RTE Agreement

- The Owner will employ best efforts to ensure the Project will be built in accordance with the approved development permit (DP1223).
- The Owner must obtain a building permit from the City for the Project on or before 2023-DEC-31.
- The Project must be officially opened and available for use as a multi-family residential development with no fewer than 160 units and for no other use, no later than 2026-DEC-31.
- Term of Tax Exemption – Provided the requirements of the RTE Agreement are met, the tax exemption shall be for ten years as of the date of the occupancy granted under the building permit, but no later than 2026-DEC-31. |

OPTIONS

1. That Council approve the Revitalization Tax Exemption Agreement for a proposed multi-family development of no fewer than 160 units at 340 Campbell Street.
 - Advantages: The Downtown Revitalization Tax Exemption Program was established to encourage commercial and multi-family development in the downtown core. This project is consistent with the goals of the program. Economic Health, identified as a key pillar within the 2019-2022 Strategic Plan, encourages investment in the downtown core.
 - Disadvantages: None identified.
 - Financial Implications: There is no direct impact on the budget. The City will collect tax from one fewer property in those years.
2. That Council deny the Revitalization Tax Exemption Agreement for a proposed multi-family residential development of no fewer than 160 units at 340 Campbell Street.
 - Advantages: None identified.
 - Disadvantages: Not approving this project is inconsistent with the RTE Bylaw. Not providing approval to the RTE Agreement would discourage further investors from applying to the program and may slow investor interest in the downtown core.
 - Financial Implications: No budget implication to the City. The Owner will pay the full property tax bill going forward. |

SUMMARY POINTS

- The Owner of 340 Campbell Street, Campbell Street Holdings Ltd., has applied for and received a development permit (DP1223) to construct a multi-family residential development of no fewer than 160 units. The Project is a significant development that will help transform the north end of Wallace Street and is anticipated to increase the downtown population by 300 residents.
- Council’s approval for a ten-year tax exemption for the multi-family residential development under “Revitalization Tax Exemption Bylaw 2018 No. 7261” is being sought.

ATTACHMENTS:

ATTACHMENT A: Revitalization Tax Exemption Agreement |

Submitted by:

Bill Corsan
Director,
Corporate & Business Development |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Laura Mercer
Director, Finance
|

ATTACHMENT A

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Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the 6th day of November, 2023 is

BETWEEN:

340 Campbell Holdings Ltd.
200 – 1785 West 4th Avenue
Vancouver, BC V6J 1M2

(the "Owner")

AND:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC V9R 5J6

(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Nanaimo at *340 Campbell Street* legally described as *Lot A, Section 1, Nanaimo District, Plan EPP123051, PID 031-778-330* (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261";
- C. The Parcel is situated within the Revitalization Area, as defined in the Bylaw; and
- D. The Owner proposes to construct new improvements or alter or renovate existing improvements on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

- 1. In this Agreement, the following words have the following meanings:
 - (a) "Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to this Agreement for the purposes of calculating property taxes;
 - (b) "Baseline Assessment" means the BC Assessment Authority's last published land and improvements assessed value immediately before the commencement of the Project;
 - (c) "Bylaw" means City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" as amended from time to time including any amendments thereto;

- (d) "Renovation" means capital improvements of an existing building;
 - (e) "Tax Exemption" means a revitalization tax exemption determined in accordance with the Bylaw; and
 - (f) "Tax Exemption Certificate" means a revitalization tax exemption certificate issued by the City of Nanaimo pursuant to the Bylaw and the *Community Charter*.
2. The Project – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Bylaw. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
- (a) be built in accordance with the submitted plans as approved by Development Permit (DP001223) for 340 Campbell Street authorized by City Council of the City of Nanaimo on November 15, 2021.
3. Operation and Maintenance of the Project – throughout the term of this Agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
4. Revitalization Tax Exemption – subject to fulfillment of the conditions set out in this Agreement and the Bylaw, the City shall issue a Tax Exemption Certificate to the British Columbia Assessment Authority entitling the Owner to a Tax Exemption in respect of the property taxes due (not including local service taxes) in relation to the Parcel and the improvements thereon for the calendar year(s) set out in this Agreement. The Tax Exemption Certificate shall be substantially in the form of Appendix "B", which is attached to and forms part of this Agreement.
5. Conditions – the Owner must fulfill the following conditions before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
- (a) the Owner must obtain a building permit from the City for the Project on or before December 31, 2023;
 - (b) the Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "C";
 - (c) the Project must be officially opened and available for use as a *residential building with no fewer than one hundred and sixty units* (the "Exempt Use") and for no other use, by no later than December 31, 2026; and
 - (d) the completed Project must substantially satisfy the performance criteria set out in Appendix "D" hereto, as determined by the City's Land Use Manager or designate, in his or her sole discretion, acting reasonably.
6. Calculation of Revitalization Tax Exemption – the amount of the Tax Exemption in each year shall be calculated in accordance with the Bylaw.

7. Term of Tax Exemption – provided the requirements of this Agreement, and of the City of Nanaimo Revitalization Tax Exemption Bylaw 2018 No. 7261, are met the Tax Exemption shall be for the taxation years 2027 to 2036, inclusive. [10 year maximum]
8. Compliance with Laws – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel forming part of the Project in compliance with all statutes, laws, regulations, bylaws and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. Subdivision under Strata Property Act – if the Owner deposits a strata plan in the Land Title Office under the *Strata Property Act* that includes an improvement on the Parcel included in the Project, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - (a) the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before December 31, 2026.

provided that any strata subdivision must comply with the terms of any Housing Agreement in relation to the Parcel or the Project which limits ability to subdivide the Parcel or a building on the Parcel under the *Strata Property Act*.

10. Representations and Warranties – The Owner represents and warrants to the City that the Owner is the Owner of the Parcel for the purpose of property assessment and taxation.
11. Cancellation – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
 - (a) on the written request of the Owner; or
 - (b) effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
12. If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will pay to the City a recapture amount in accordance with the Bylaw, which amount will bear interest in accordance with the Bylaw.
13. No Refund – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
14. Notices – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

- (a) in the case of a notice to the City, at:

THE CITY OF NANAIMO
455 Wallace Street,
Nanaimo, B.C.
V9R 5J6

- (b) in the case of a notice to the Owner, at:

340 CAMPBELL HOLDINGS LTD.
200 – 1785 West 4th Avenue
Vancouver, BC V6J 1M2

or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

15. No Assignment – the Owner shall not assign its interest in this Agreement except to a subsequent owner in fee simple of the Parcel.
16. Severance – if any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.
17. Interpretation – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
18. Further Assurances – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
19. Waiver – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.
20. Powers Preserved – this Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - (b) affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
21. Reference – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

22. Enurement – this agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF NANAIMO by
its authorized signatories:

Mayor

Corporate Officer

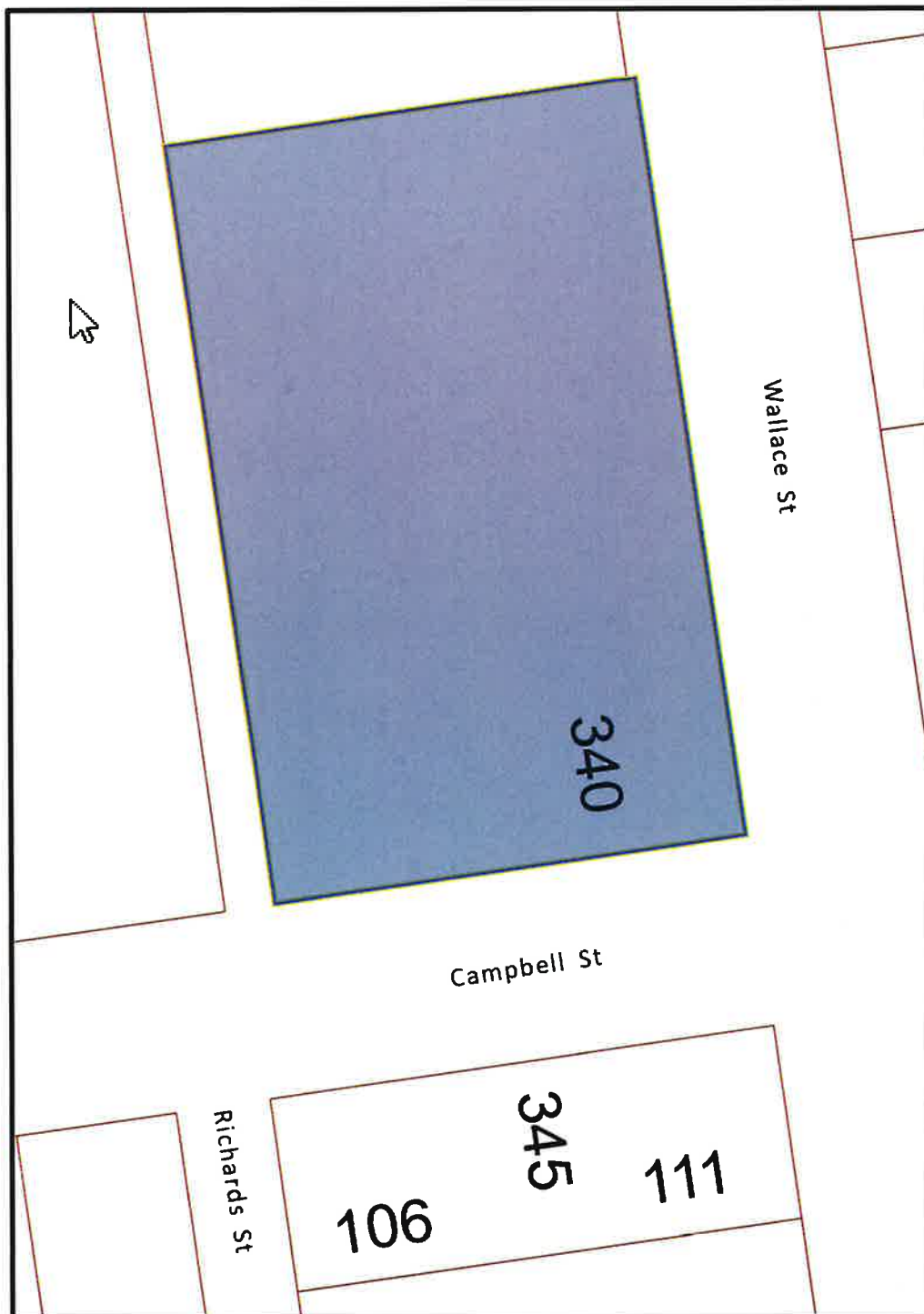
Executed by 340 Campbell Holdings Ltd. by its
authorized signatories:


Name: **Warren Andrew Rennison**
Director

Name:

APPENDIX "A" to Revitalization Tax Exemption Agreement

Map of Affected Parcel



APPENDIX "B" to Revitalization Tax Exemption Agreement

Revitalization Tax Exemption Certificate

In accordance with the City of Nanaimo "REVITALIZATION TAX EXEMPTION BYLAW 2018 NO. 7261" (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the 6th day of November, 2023 (the "Agreement") entered into between the City of Nanaimo (the "City") and 340 Campbell Street Holdings Ltd. (the "Owner"), the registered owner of 340 Campbell Street Street legally described as Lot A, Section 1, Nanaimo District, Plan EPP123051 (the "Parcel"):

This certificate certifies that the Parcel is subject to a revitalization tax exemption equal to the following assessment value of the Parcel: Class 01 Residential: \$1,718,000.00 multiplied by the municipal rate of tax in effect for Class 01 - Residential for each of the taxation years 2027 to 2036 inclusive.

The Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term, condition or provision of, and performs all obligations set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;
5. The Agreement is not otherwise terminated.

If any of these conditions are not met then the Council of the City of Nanaimo may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Parcel, or a successor in title to the Owner as the case may be, shall remit to the City the recapture amount calculated in accordance with the Bylaw.

APPENDIX "C" to Revitalization Tax Exemption Agreement

Plans and Specifications for the Project DP001223



DEVELOPMENT PERMIT NO. DP001223

340 CAMPBELL HOLDINGS LTD
Name of Owner(s) of Land (Permittee)

340 CAMPBELL STREET
Civic Address

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

Legal Description:

LOTS 4, 5, 6, & 7, BLOCK 44, SECTION 1, NANAIMO DISTRICT, PLAN 584

PID Nos. 008-813-272, 008-813-299, 008-813-302, 008-813-329

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit and any plans and specifications hereto which shall form a part thereof.

Schedule A Location Plan

Schedule B Site and Parking Plans

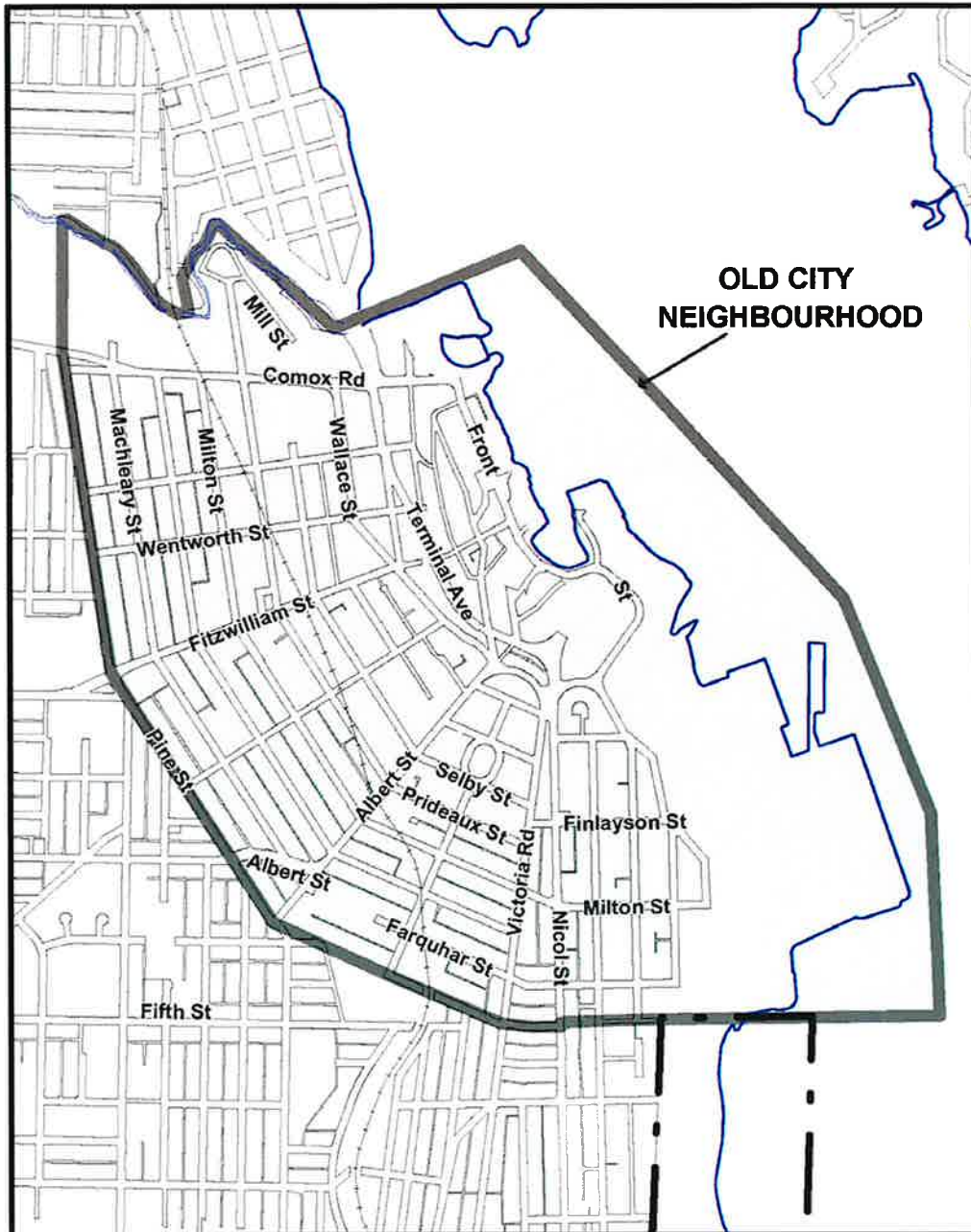
Schedule C Building Elevations and Details

Schedule D Landscape Plan and Details

4. If the landowner does not substantially start any construction with respect to which this permit was issued within two years after the date it was issued, the permit lapses.
5. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

SCHEDULE "C"

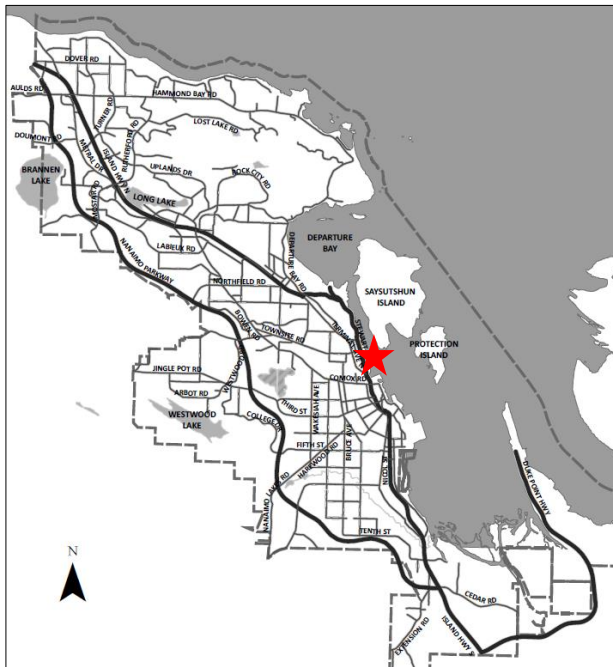
Revitalization Area



DATE OF MEETING November 20, 2023

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1303 – 30 MT
BENSON STREET



Proposal:

To allow an overheight privacy wall and retaining wall

Zoning:

R8 – Medium Density Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Development Permit Areas:

DPA8 – Form & Character

Lot Area:

1,618m²

DP



City Aerial Photo 2022

OVERVIEW

Purpose of Report

To present for Council's consideration a development permit amendment application for overheight walls at 30 Mt Benson Street.

Recommendation

That Council issue Development Permit No. DP1303 for an overheight privacy wall and retaining wall at 30 Mt Benson Street with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2023-NOV-20.

BACKGROUND

A development permit application, DP1303, was received from Don Saywell Developments Ltd., on behalf of D Robinson Holdings Ltd., to amend the previously issued Development Permit No. DP1181, with variances to the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") in order to increase the maximum allowable height for a fence in the side yard setback at 30 Mt Benson Street.

Development Permit No. DP1181 was approved on 2020-SEP-30 for an external renovation to an existing multi-family residential building and included the redevelopment of the perimeter landscaping. The applicant has substantially completed the building renovations and much of the landscaping. During construction, a fence was removed and replaced with an overheight privacy wall which requires an amendment to DP1181 and a height variance.

Subject Property and Site Context

The subject property is located in the Newcastle Neighbourhood at the intersection of Mt Benson Street and Newcastle Avenue, directly across from the Waterfront Walkway. Neighbouring uses include single residential dwellings to the north and west, and an eight-storey multi-family residential building across Mt Benson Street to the south. A development permit for a 17-unit residential project, DP1234, was approved in 2022 for the property at 345 Newcastle Avenue to the north.

DISCUSSION

Proposed Development

A privacy wall has been constructed to enclose a private ground-level patio on the north side of the building that was originally proposed to be fenced. Given the grade change onsite, the privacy wall has been constructed on top of a retaining wall on the north property line. Additional terraced retaining walls face Newcastle Avenue to the east. The wall consists of a stucco material that matches the cladding of the building, and a window facing Newcastle Avenue has been installed to provide transparency and mitigate a blank wall. A gated pedestrian connection between the patio and the street shown in DP1181 has not been constructed due to security concerns; however, alternate access is provided via a private staircase that connects the patio with the parking lot to the rear.

Proposed Variance

Maximum Allowable Fence Height

The Zoning Bylaw considers an exterior privacy wall as a fence, and fence height is measured as the combined height of a fence and any underlying retaining wall. The maximum allowable fence height in the side yard in the R8 zone is 2.4m. The combined retaining wall and privacy wall height at its highest point is 4.0m, a requested variance of 1.6m.

In order to mitigate the visual impact of the wall, the applicant will be providing additional landscaping in the terraced retaining wall facing Newcastle Avenue. The wall provides privacy for residents, and the design complements the existing development. The adjacent property owner to the north has indicated they are supportive of the height variance.

Staff support the proposed variance.

SUMMARY POINTS

- Development Permit Application No. DP1303 proposes to amend previously issued DP1181 and permit an overheight privacy wall and retaining wall.
- A variance is requested to increase the maximum permitted fence and retaining wall height in a side yard setback from 2.4m to 4.0m.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Elevations
ATTACHMENT E: Context Photos

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development

ATTACHMENT A

PERMIT TERMS & CONDITIONS

TERMS OF PERMIT

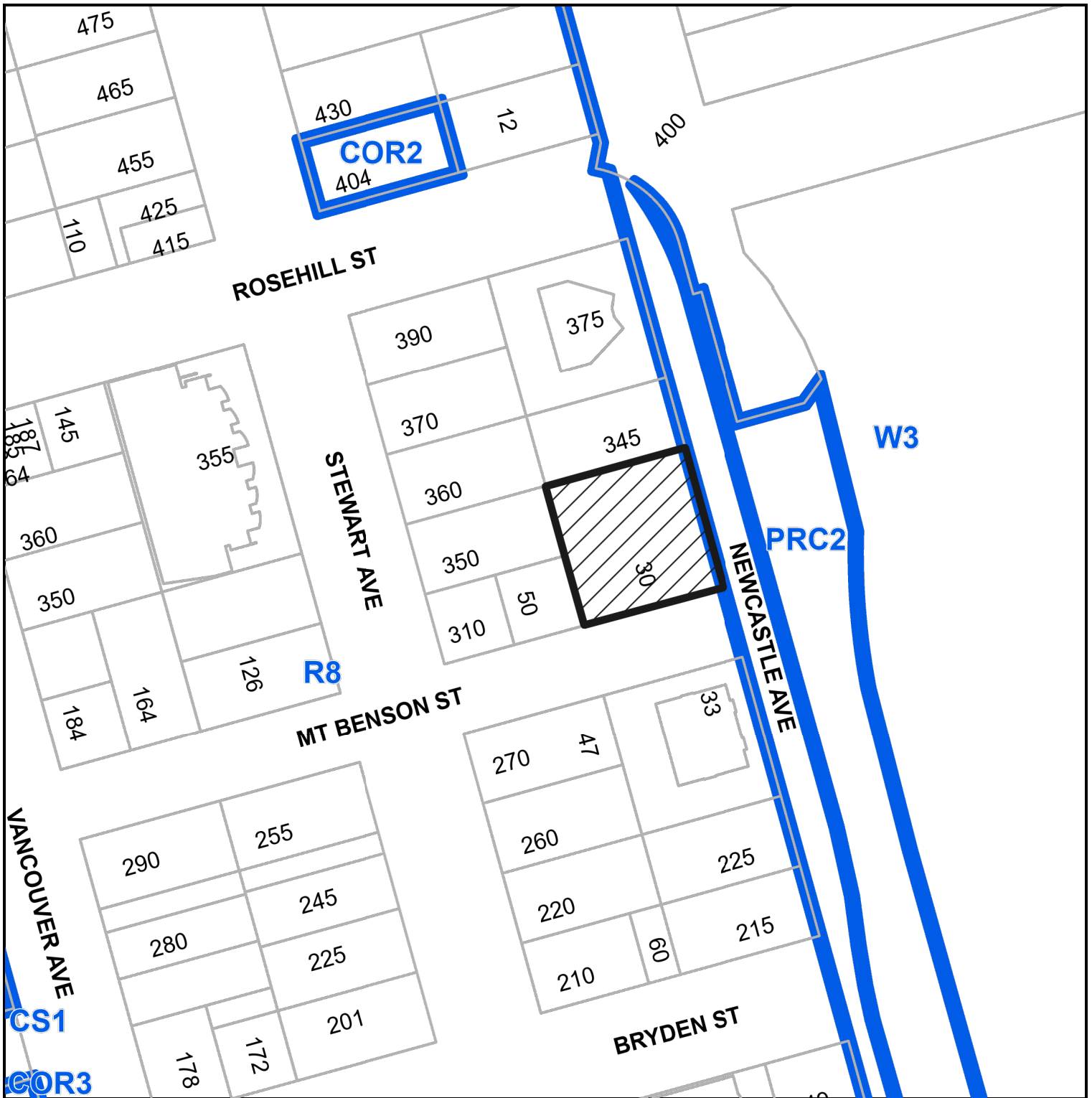
The “City of Nanaimo Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.10 Fence Height* – to increase the maximum permitted combined fence and retaining wall height within the side yard setback from 2.4m to 4.0m, as proposed.

CONDITIONS OF PERMIT

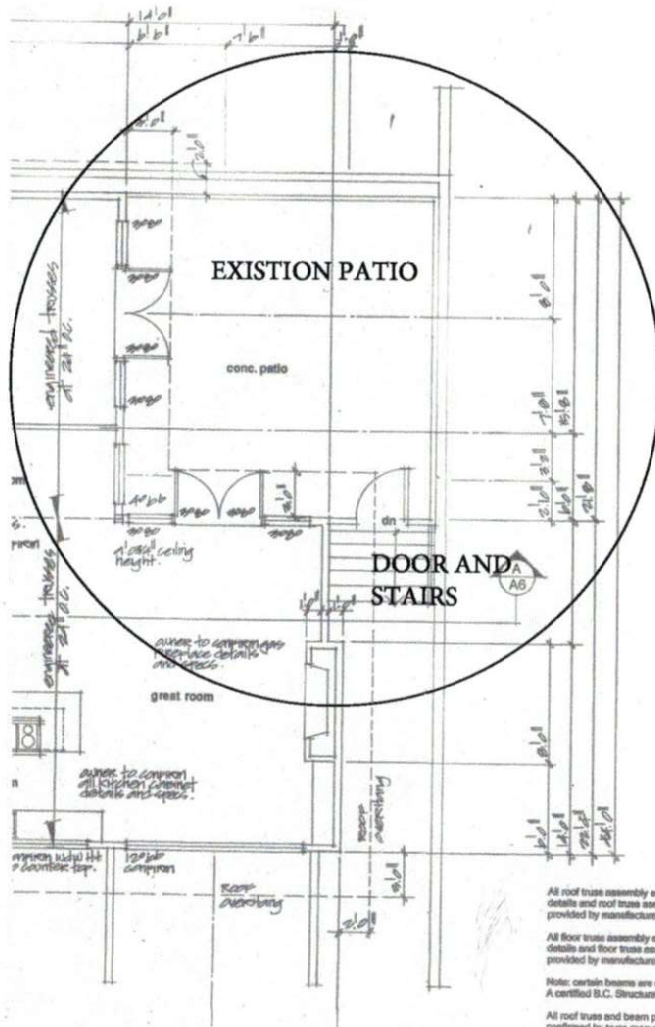
1. The subject property shall be developed in substantial compliance with the Site Plan prepared by D Robinson Holdings Ltd., received 2023-AUG-29, as shown on Attachment C.
2. The subject property shall be developed in substantial compliance with the Elevations prepared by D Robinson Holdings Ltd., received 2023-AUG-29, as shown on Attachment D.

ATTACHMENT B
SUBJECT PROPERTY MAP

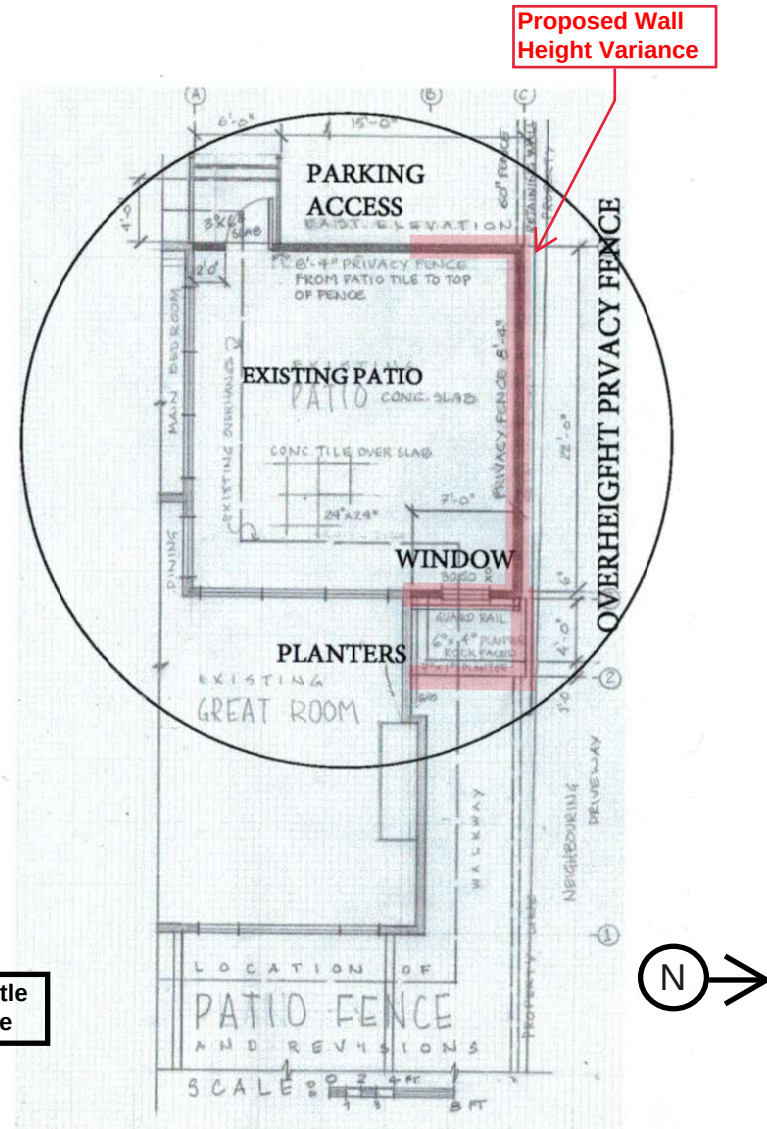


30 Mt Benson Street

ATTACHMENT C SITE PLAN

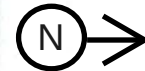


PATIO AREA LOCATION ON PERMIT DRAWINGS



REVISIONS - PATIO PRIVACY FENCE WALL AND
PLANTER INSTALLATION C/W SECURITY GUARD

Newcastle
Avenue

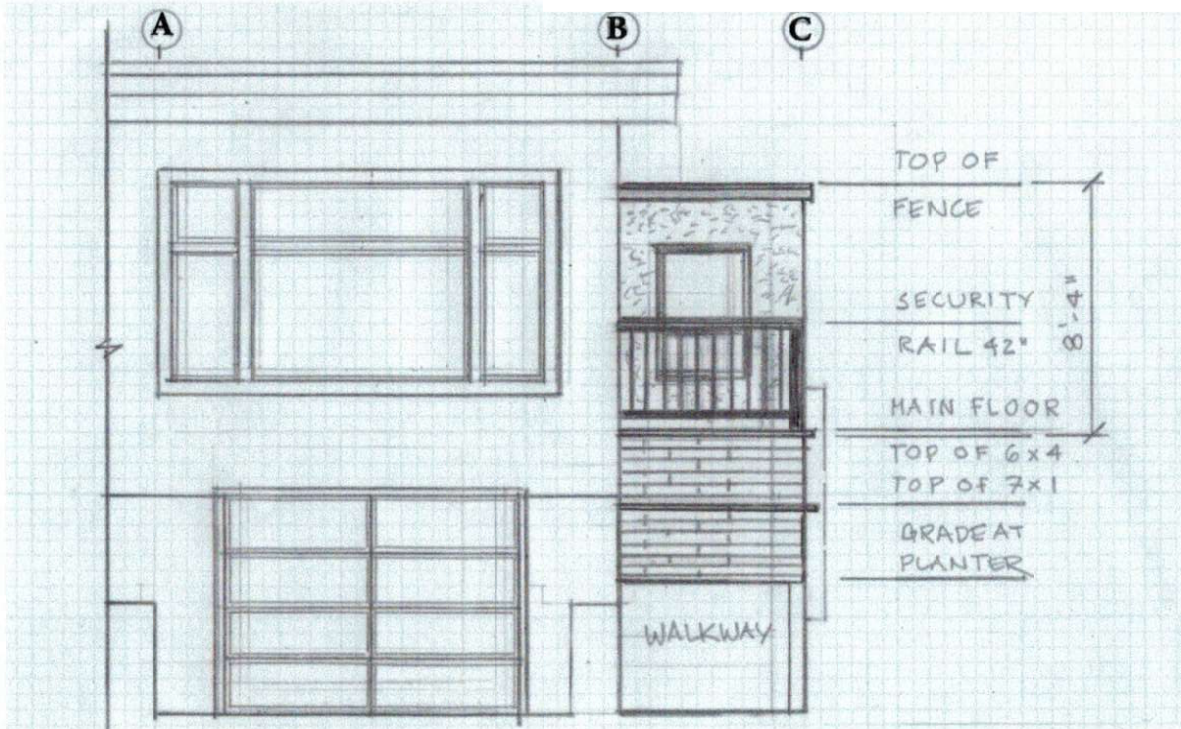


Proposed Wall
Height Variance

RECEIVED
DP1303
2023-AUG-29
Current Planning

ATTACHMENT D ELEVATIONS

1/3



333 NEWCASTLE AVENUE EAST ELEVATION NORTH CORNER AREA OF REVISION TO PERMIT

- * REMOVED PLANNED STAIRS AND PATIO DOORWAY
- * BUILT PRIVACY FENCE WALL 8FT 4IN ABOVE PATIO FLOOR LEVEL
- * INSTALL 36X60 WINDOW C/W 42 in. SECURITY RAIL
- * INSTALLED ROCK FACED TIERED PLANTER
- * ALL FINISHES MATCH PERMIT REQUIREMENTS

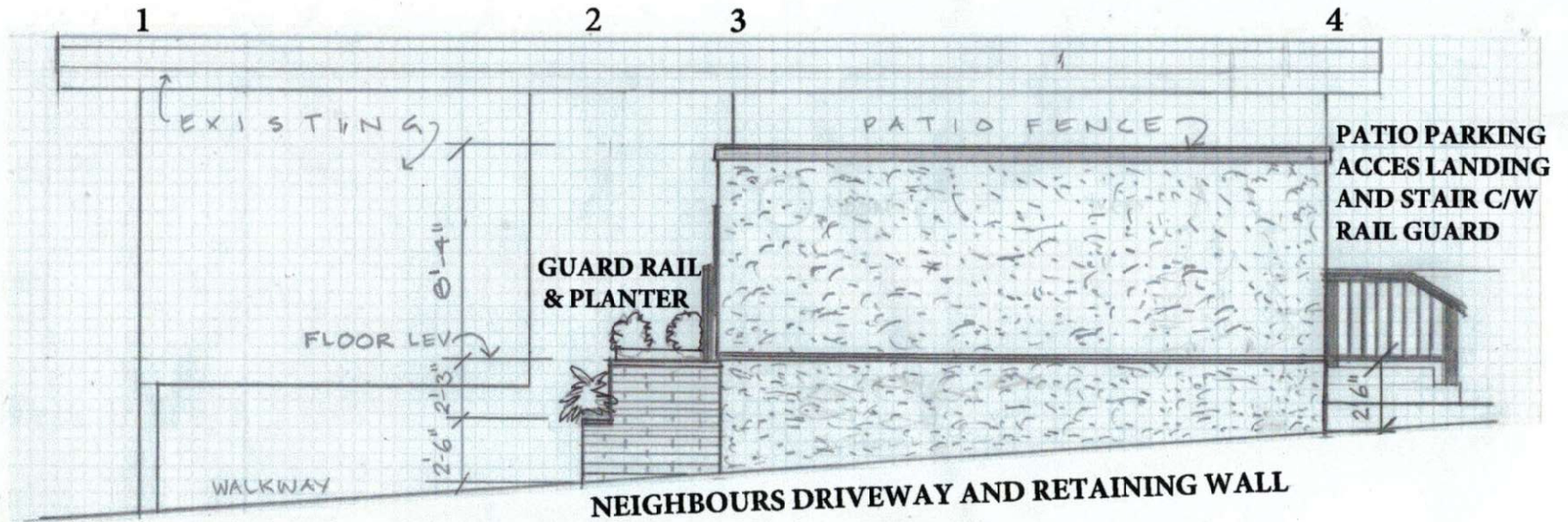


WALKWAY LANDSCAPE AS BUILT

LOCATION OF NEIGHBOUR IMPACT OF
OVERHEIGHT PRIVACY FENCE IS ALONG
WALL C NEAR PROPERTY LINES AND
NEIGHBOURING DRIVEWAY.

EAST ELEVATION

RECEIVED
DP1303
2023-AUG-29
Current Planning



333 NEWCASTLE NORTH ELEVATION ALONG PATIO PRIVACY FENCE WALL C

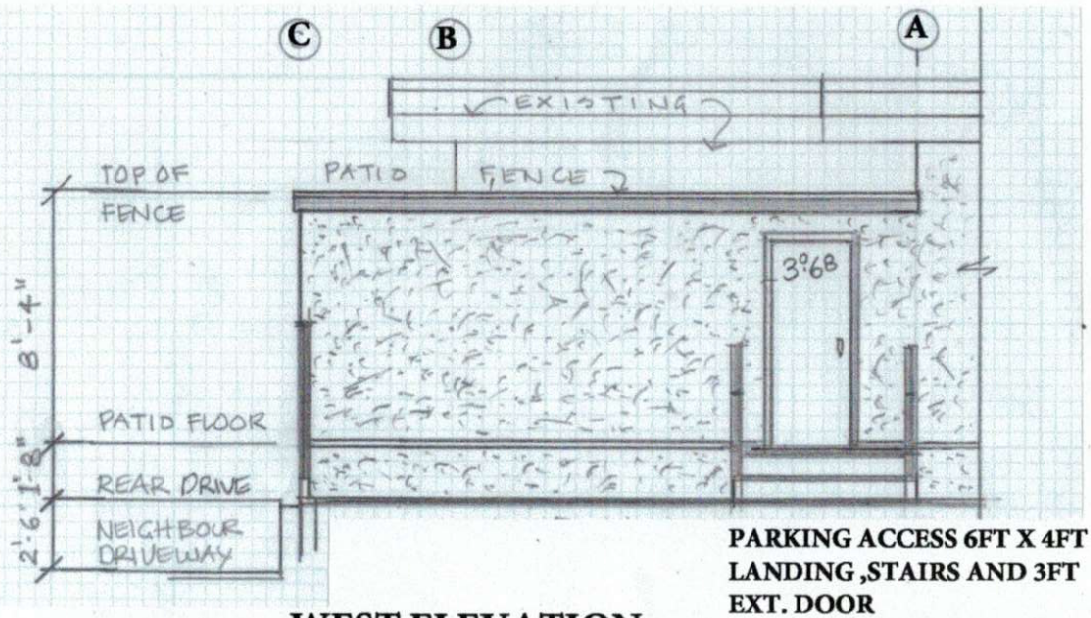


NORTH SIDE PRIOR TO BUILDING PERMIT



NORTH SIDE PRIVACY FENCE CONSTRUCTION
NORTH ELVATION

RECEIVED
DP1303
2023-AUG-29
Current Planning



WEST ELEVATION

RECEIVED
 DP1303
 2023-AUG-29
 Current Planning

**ATTACHMENT E
CONTEXT PHOTOS**

333 NEWCASTLE AVE. AS BUILT IMAGES



NORTH CORNER AT NEIGHBOURS DRIVEWAY



REVISION - DOOR & STAIRS REMOVED ADDED
3FT X 5FT WINDOW WITH 6FT X 4FT AND 1FT X 7FT
TWO LEVEL STONE FACED PLANTER



PATIO PRIVACY FENCE WALL NORTH SIDE AS BUILT
SECURITY GUARD RAIL TO MATCH POWDER COATED
RAILINGS TO BE INSTALLED AT WINDOW EXT. FACE



WESTERN ELEVATION PATIO ACCESS LANDING

AS BUILT IMAGES

R E C E I V E D
DP1303
2023-AUG-29
Current Planning

DATE OF MEETING November 20, 2023

AUTHORED BY LISA BRINKMAN, MANAGER, COMMUNITY PLANNING

**SUBJECT EMERGENCY SHELTER AND WARMING/COOLING CENTRE
REGULATION ENFORCEMENT**

OVERVIEW

Purpose of Report

To present to Council a proposed policy resolution to address the City's liability related to buildings used for emergency shelters and warming/cooling centres that do not meet the requirements in the BC Building Code and BC Fire Code.

Recommendation

That Council:

- a) endorse the "Emergency Shelter and Warming/Cooling Centre Regulation Enforcement Policy Resolution" as attached to the 2023-NOV-20 Staff report titled "Emergency Shelter and Warming/Cooling Centre Regulation Enforcement"; and,
- b) send correspondence to the Minister of Housing and Minister of Social Development and Poverty Reduction regarding the need to protect emergency shelters and warming/cooling centres in Nanaimo that do not meet the requirements of the BC Building Code and BC Fire Code.

BACKGROUND

Nanaimo is experiencing a crisis-level of unhoused persons, some with mental health and/or addiction issues. Overnight emergency shelters and daytime warming/cooling centres are critical to addressing the homelessness emergency in Nanaimo. Emergency shelters and warming/cooling centres are located in buildings, or portions of buildings, to provide free temporary accommodation and/or relief from the elements for people who require immediate and basic needs for shelter.

There is a shortage of appropriate buildings in Nanaimo to provide emergency shelter and warming/cooling services to unhoused people, and Staff are finding that one or more of the buildings being used for emergency shelters and warming/cooling centres do not meet the BC Building Code or BC Fire Code.

The City of Nanaimo has a role in enforcing building occupancy and life safety requirements, which flow from the following regulations:

BC Building Code 2018

The BC Building Code 2018 (BCBC) is a provincial regulation that governs how new construction, building alterations, repairs, and demolitions are completed. This code establishes minimum

requirements for safety, health, accessibility, fire and structural protection of buildings, and energy and water efficiency. The City's Building Inspections section oversees compliance with the BCBC through the City of Nanaimo's "Building Bylaw 2016 No. 7224".

City of Nanaimo "Building Bylaw 2016 No. 7224"

The City of Nanaimo's "Building Bylaw 2016 No. 7224" provides the regulatory and administrative framework for ensuring compliance with the BCBC for the construction of buildings and other structures in the City.

BC Fire Code 2018

The BC Fire Code (BCFC) is a provincial regulation containing technical requirements for the construction, use, or demolition of buildings and facilities and the design, construction, and use of specific elements of facilities related to certain fire hazards, and protection measures for the current or intended use of buildings. The City's Fire Department oversees the enforcement of the BCFC through the "Fire Protection and Life Safety Regulation Bylaw 2011 No. 7108".

"Fire Protection and Life Safety Regulation Bylaw 2011 No. 7108"

"Fire Protection and Life Safety Regulation Bylaw 2011 No. 7108" provides regulatory guidance for enforcement of the BCFC, and includes matters such as incident response and operations, fire prevention, inspections, burning permits, hydrants and fire connections, street addressing, and penalties.

Zoning Bylaw

In addition to the above regulations pertaining to building safety, the City of Nanaimo "Zoning Bylaw 2011 NO. 4500" regulates how land, buildings, and other structures may be used through regulatory powers provided for in the *Local Government Act*.

DISCUSSION

Typically, shelter and warming/cooling centre operators are non-profit organizations that do not have the financial means to lease or purchase buildings at market rates, and thus tend to utilize buildings at reduced rates that may be older buildings not designed and constructed to meet the requirements of the BCBC and BCFC for the use. There is a lack of suitable buildings available for emergency shelter and warming/cooling centres in Nanaimo and non-profit organizations often do not have the means to complete the necessary building upgrades to meet code requirements. Given the increasing need for shelter spaces and the requirement for rapid emergency responses, shelter operators can also lack the time to complete building upgrades to meet the BCBC and BCFC requirements. This set of circumstances leads to buildings being used for emergency shelters and warming/cooling centres that do not fully meet BCBC and BCFC requirements for the use.

There may arise a liability risk if the City has corporate knowledge of dangers related to buildings and life safety but takes no enforcement action. Enforcement actions can range from a shut-down injunction, to a Council policy resolution to not enforce the BCBC and BCFC. Due to the shortage of shelter spaces and warming/cooling spaces for unhoused people in the city, a shut-down

injunction for these spaces could be inhumane. To enable the community to have the benefit of these emergency facilities and help address potential City liability in these situations it is recommended that Council pass the proposed policy resolution in Attachment A.

The following is a summary of the City's rationale for passing the policy resolution in Attachment A, to protect the ongoing existence of shelters and warming/cooling centres in Nanaimo:

- Without a Council policy resolution, City Staff are compelled to enforce the BCBC and BCFC.
- There is a lack of funding available for non-profit organizations that provide shelter and extreme weather services to at-risk and unhoused people, as a result these organizations do not have the financial means to address the BCBC and BCFC requirements of the buildings available and that are used for these services.
- Shelters are a basic human need that can greatly alleviate human suffering, and during extreme weather, shelter spaces can be crucial for human survival. In addition, many unhoused persons in Nanaimo suffer from mental health and/or addiction issues which can exacerbate their ability to survive unsheltered for extended periods.
- The City itself does not have financial or staff resources to construct and operate such facilities or to upgrade any facilities. The revenue sources of the City are exhausted, yet there is a serious need for these facilities that fall under provincial jurisdiction.
- The risk of a human living outdoors for extended periods is that it can cause significant suffering and health impacts, particularly during extreme weather events. In particular, cold temperatures can impact the health of at-risk community members (e.g. frostbite or hypothermia).

Given the situation described above, it is in the public interest for the City to temporarily suspend full enforcement of its building regulatory standards and zoning bylaw requirements for emergency shelters and warming/cooling centres through adoption of the proposed policy resolution in Attachment A.

Building owners are ultimately responsible for ensuring that construction work proceeds and buildings are occupied in compliance with the requirements of the BCBC and BCFC. Should Council adopt the proposed policy resolution, Staff will continue to communicate the life safety requirements of the BCBC and BCFC to the property owners and operators of shelters and warming/cooling centres such that they are aware of the risks and can make plans to address BCBC and BCFC requirements.

Finally, it is recommended that the City send correspondence to the Minister of Housing and Minister of Social Development and Poverty Reduction regarding the need to protect the ongoing existence of year-round emergency shelters and warming/cooling centres in Nanaimo. Also, that the City continue to advocate to the Province on an ongoing basis regarding the lack of funding available for non-profit organizations to address the life safety matters of buildings used for shelters and warming/cooling centres. |

OPTIONS

1. That Council:

- a) endorse the “Emergency Shelter and Warming/Cooling Centre Regulation Enforcement Policy Resolution” as attached to the 2023-NOV-20 Staff report titled “Emergency Shelter and Warming/Cooling Centre Regulation Enforcement”; and,
- b) send correspondence to the Minister of Housing and Minister of Social Development and Poverty Reduction regarding the need to protect emergency shelters and warming/cooling centres in Nanaimo that do not meet the BC Building Code and BC Fire Code.
 - The advantages of this option: Passing the proposed policy resolution demonstrates that the City is aware of the financial limitations of non-profit organizations, and that it is in the public interest to ensure emergency shelters and warming/cooling centres remain open to protect the homeless from suffering and harm through exposure to the elements, despite knowledge that some of the buildings used for these purposes do not fully meet the requirements of the BCBC and BCFC. This approach recognizes that the City itself does not have financial or staff resources to construct and operate such facilities or to upgrade these facilities that are critically needed to address the homelessness emergency and fall under provincial jurisdiction.
 - The disadvantages of this option: Emergency shelters and warming/cooling centres may operate in buildings that do not fully meet the requirements of the BCBC and BCFC.
 - Financial Implications: In cases where the City has corporate knowledge of emergency shelters and warming/cooling centres operating in non-compliance with the BCBC and BCFC, a policy resolution considering these circumstances should serve to protect the City from liability.

2. That Council not pass the policy resolution titled “Emergency Shelter and Warming/Cooling Centre Regulation Enforcement Policy Resolution” as attached to the 2023-NOV-20 Staff Report titled “Emergency Shelter and Warming/Cooling Centre Regulation Enforcement”; and direct Staff to proceed with enforcing the BC Building Code and BC Fire Code.

- The advantages of this option: If Council chooses to not support the proposed Shelter Policy Resolution, Staff will have clear direction to proceed with enforcing the BCBC and BCFC.
- The disadvantages of this option: Due to the shortage of emergency shelter spaces and warming/cooling spaces for unhoused people in the city, BCBC and BCFC enforcement actions that would typically be applied, such as a shut-down injunction, for these spaces could be inhumane.

- Financial Implications: If the City proceeds with enforcing the BCBC and BCFC for emergency shelter spaces there are no liability risks.

3. That Council provide alternate direction to Staff.

SUMMARY POINTS

- Emergency shelters and warming/cooling centres are critical to addressing the homelessness emergency in Nanaimo.
- There is a lack of funding available for non-profit organizations that provide shelter and extreme weather services to at-risk and homeless people, as a result these organizations do not have the financial means to address the BCBC and BCFC requirements of the buildings available and that are used for these services.
- The City itself does not have financial or Staff resources to construct and operate such facilities or to upgrade any facilities. The revenue sources of the City are exhausted, yet there is a serious need for these facilities that fall under provincial jurisdiction.
- The risk of a human living outdoors for extended periods is that it can cause significant suffering and health impacts, particularly during extreme weather events.
- It is in the public interest for the City to temporarily suspend full enforcement of its building regulatory standards and zoning bylaw requirements for emergency shelters and warming/cooling centres through adoption of the proposed policy resolution.
- A policy resolution is proposed to address the City's potential liability related to buildings used for emergency shelters and warming/cooling centres that may not fully meet the requirements in the BCBC and BCFC.
- It is recommended that the City send correspondence to the Minister of Housing and Minister of Social Development and Poverty Reduction regarding the need to protect the ongoing existence of year-round emergency shelters and warming/cooling centres in Nanaimo.

ATTACHMENTS:

ATTACHMENT A: Emergency Shelter and Warming/Cooling Centre Regulation Enforcement Policy Resolution |

Submitted by:

Lisa Brinkman
Manager, Community Planning |

Concurrence by:

Darcy Fox
Manager, Building Inspections

Tim Doyle
Fire Chief

Jeremy Holm
Director, Planning and Development |

CITY OF NANAIMO
THE HARBOUR CITY

COUNCIL POLICY

RCRS Secondary:	GOV-02	Effective Date:	2023-NOV-20
Policy Number:		Amendment Date/s:	
Title:	Emergency Shelter and Warming/Cooling Centre Regulation Enforcement Policy Resolution	Repeal Date:	
Department:	Planning and Development	Approval Date:	

PURPOSE:

A policy resolution to temporarily address the City's liability related to buildings used for emergency shelters and warming/cooling centres that do not meet the requirements in the BC Building Code and BC Fire Code.

SCOPE:

This policy applies to emergency shelters and warming/cooling centres that do not meet the requirements in the BC Building Code and BC Fire Code located within the City of Nanaimo.

POLICY:

GIVEN THAT

1. The City has recently experienced a crisis-level influx of homeless persons, some with mental health and/or addiction issues, and Council wishes to help address their life-safety needs as well as safety of persons using the City streets and other public areas;
2. The existence of shelters and warming and cooling centres is critical to the City's efforts to address the homelessness emergency, and the City itself does not have financial or staff resources to construct and operate such facilities or to upgrade any facilities;
3. Various non-profit entities operate or will operate all-weather shelters and warming and cooling centres year-round;
4. Some shelters are designated by the Province as emergency shelters for temporary accommodation of a limited number of individuals per night;
5. Due to financial limitations of the non-profit entities combined with the lack of available structures in the City, some emergency shelters and warming and cooling centres may or may not comply with all British Columbia code requirements respecting seismic, fire, building, and other enactments;
6. The City's fire department undertakes fire inspections;
7. The City's building inspection section receives complaints, or becomes aware of a change of use without the required approvals, and undertakes building inspections;

8. The non-profit entities do not currently have the financial and other resources necessary to comply with all codes;
9. BC Housing typically does not provide capital upgrades to shelters, but they do not want the shelters in the City to close, based on the current situation, given the homeless population in Nanaimo; BC Housing says it will not fund upgrades if there is no certainty that a shelter will continue to operate for the foreseeable future;
10. The City has written to the Province to seek building code exceptions and funding;

NOW THEREFORE Council resolves:

- (a) not to enforce the building code, the fire code, its building regulation bylaw, or its zoning bylaw during the time when a non-profit emergency shelter operator or warming/cooling centre operator is demonstrating continuing reasonable efforts to satisfy the codes and is also seeking BC Housing funding for upgrades, and while the City is seeking reasonable provincial exceptions to the building code and funding;
- (b) to direct staff to communicate with the Province on an ongoing basis regarding funding and code exceptions to allow shelters and warming/cooling centres to provide certainty that they will continue to operate for the foreseeable future.

PROCESS:

Staff will continue to communicate the life safety requirements of the BC Building Code and BC Fire Code to the property owners and operators of shelters and warming/cooling centres such that they are aware of the risks and can make plans to address BC Building Code and BC Fire Code requirements.

RELATED DOCUMENTS:

- BC Building Code
- BC Fire Code
- Fire Protection and Life Safety Regulation Bylaw 2011 No. 7108
- City of Nanaimo Building Bylaw 2016 No. 7224
- City of Nanaimo Zoning Bylaw 2011 No. 4500

REPEAL or AMENDMENT:

N/A

From: Jenny Short <jenny.short@nanaimofoodshare.ca>
Sent: Monday, November 06, 2023 9:40 AM
To: Donna Stennes <Donna.Stennes@nanaimo.ca>
Subject: Letter of Support

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Donna

Nanaimo Foodshare is currently working on a grant application to fund our Homegrown Youth Employment Program for another 4 years. This proposal will support 110 marginalized youth in the community, build skills and find employment. We would appreciate a letter of support from the Mayor and Council. I have provided a sample letter for your convenience.

If you have any questions, please let me know.

Thank you

--

Jenny Short
She/Her

jenny.short@nanaimofoodshare.ca

250-753-9393 - Foodshare Office

**Living, playing and learning with respect as an uninvited guest on Snuneymuxw, Snaw-Naw-As
and Stz'uminus Coast Salish Indigenous Lands**



Letter of Support for Nanaimo Foodshare - Homegrown Youth Employment Program

The City of Nanaimo and Council fully support Nanaimo Foodshare Society's application to the Government of Canada's Youth Employment and Skills Strategy Fund (YESS) to support marginalized youth gain skills and find employment.

The City of Nanaimo is a supporter of Nanaimo Foodshare and its programs. Nanaimo Foodshare has a proven track record of running successful programs, including employability programs, which have added real value to the Nanaimo Community.

There is a high need for programs and resources that support the youth in our community to gain the necessary skills and confidence to further their development. The Homegrown Youth Employment Program continues to demonstrate its commitment to their participants and Nanaimo as a whole.

Homegrown is an inclusive program that will support youth-at-risk by providing skills and work experience in food related employment opportunities. It will also help their participants become more self-sufficient, accessing healthier food and building their self confidence. By providing a whole person approach they will be improving the standard of living and quality of life for the youth involved in the program.

Providing equitable access to the youth in our community is a crucial step in building a healthier Nanaimo.

From: Amy Woermke <Amy.Woermke@viu.ca>

Sent: Wednesday, November 08, 2023 10:08 AM

To: Donna Stennes <Donna.Stennes@nanaimo.ca>

Cc: Tanya Assaf <Tanya.Assaf@viu.ca>

Subject: Letter of Support for VIU Program for Youth with Disabilities and Other Barriers to Employment

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Hi Donna

Thanks for speaking with me today. As mentioned, we are seeking a letter of community support from the Mayor and/or Council for the following grant application project proposal:

Grant Program: The Youth Employment and Skills Strategy Program (YESS Program) aims to provide funding to organizations to deliver a range of activities to support young Canadians (aged 15 to 30) to develop the skills and gain the experience they need to find and keep quality jobs. Programming focuses on youth facing multiple barriers to employment. This includes a focus on inclusive skills and employment programming for youth with disabilities.

VIU Proposed Program: This proposal is requesting to be considered for funding under both the Youth Facing Barriers to Employment Projects and the Youth with Disabilities Focused Projects. Over the next 4 years, VIU aims to equip 64(16 per year) youth from across Canada with disabilities or those furthest from employment with the skills, tools, information and work experiences needed to transition into the labour force as self-employed or as an employee of an entrepreneurial business. Alternatively, it will support their return to education to acquire the specialized skills required for self-employment.

This program is an imperative component of the ESDC initiative because our focus is on youth with self-declared cognitive or physical disabilities, as well as those confronting various employment barriers which include, but are not limited to, discrimination, early leavers from high school, possession of a criminal record, mental health challenges, residence in remote areas limiting job prospects, and lack of access to essential amenities such as transportation or childcare. The primary objective of this program is to bridge an evident gap in employment preparation training, emphasizing self-employment and vital business management skills. To underscore the importance of self-employment, consider that in 2018, 15% of all workers in Canada were self-employed. This employment mode isn't just a mere statistic; it plays a critical role in the labor market dynamics and has consistently proven to be a substantial contributor to employment growth (Statistics Canada, 2019). A significant number of individuals with disabilities or other employment barriers have a strong desire to work. Still, they face considerable hurdles in securing traditional employment. Consequently, many see self-employment as a viable pathway to economic contribution, bypassing the need for dependency on social assistance and conforming to traditional employment which does not work for them (Tihic, 2019; Boellstorff, 2018; Columbia, 2019).

In our ambitious project, youth can become self-employed, join entrepreneurial ventures as employees, or even opt into further their education, targeting specific self-employment skills. The urgency and significance of this initiative stem from a simple truth: without such targeted programs, many youth facing employment challenges might find themselves permanently reliant on social support systems. They'd miss out on tailored training designed to cater to their unique employment aspirations. Our

actions to achieve this transformative vision is multi-pronged: Intake Mechanism, University Training, Community Partnerships, Work Experience and Individualized Wrap Around Supports. Additionally, this program will be offered online to which will be essential to the success of the program being offered locally, regionally and nationally. Online learning is particularly suitable for youth with barriers for the following reasons:

- **Accessibility and Convenience:** It removes physical and transportation barriers, allowing youth to learn from any location and at any time, which is essential for those with disabilities or residing in remote areas.
- **Local Applications:** provide a unique and powerful avenue for students to learn business concepts and directly apply them within their local communities, without the need to relocate or disengage from their current environment. The integration of academic learning with immediate real-world application forms a symbiotic relationship between education and community development.
- **Safe Learning Environment:** For youth facing social barriers or personal insecurities, online platforms can provide a safe, less intimidating environment to learn and express ideas freely.
- **Development of Digital Skills:** As the program is online, students inherently improve their digital literacy—a key skill in the modern entrepreneurial landscape. **Networking Opportunities:** Online programs can connect youth with peers and mentors globally, providing a broader network than what might be available locally.

Our deadline is Nov 21. I know that this is tight because the council meets on Nov 20 but I have my fingers crossed.

Thank you so much for your assistance and let me know if any further details are required for this request.

Warm regards
Amy

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Matter Here

The VIU community acknowledges and thanks the Snuneymuxw, Quw'utsun and Tla'Amin, on whose traditional lands we teach, learn, research, live and share knowledge.





November 15, 2023

Mayor and Council
City of Nanaimo
Nanaimo BC

Paula Masyk
Executive Director
Nanaimo Foodshare Society

Dear Mayor Krog and Members of Council,

Nanaimo Foodshare is applying for a BC Community Gaming Grant in support of several food security programs that contribute to improved food security in our community.

Our application requests support for the following programs;

The Nanaimo Gleaning Program which is run in partnership with Nanaimo Community Gardens and redirected over 3000 lbs of produce into our local food system that would have otherwise been wasted last year

The Good Food Box program which provides 700 Good food boxes containing nutritious produces at an affordable price or at no cost to families in our community ,85% of whom are disadvantaged.

The Lunch Munch program which provides Kid's Cooking kits and classes, as well as providing snacks to City Parks during the summer months.

Nanaimo Foodshare appreciates your support, and work and attention to food security in our area. We are requesting a letter of support from you to include with our application. IN consideration of our application deadline, we would be grateful to receive your letter of support by November 25

Thank you for your continued support,

Sincerely.

Paula Masyk
Executive Director
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