

DATE OF MEETING OCTOBER 20, 2025

AUTHORED BY ANA FRANCISCO, ASSISTANT MANAGER, REVENUE SERVICES

**SUBJECT DOWNTOWN NANAIMO BUSINESS ASSOCIATION BUSINESS IMPROVEMENT AREA BYLAW**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with information regarding the proposed Business Improvement Area bylaw and to seek Council's approval to initiate a local area service on a Council initiative subject to a petition against process. |

### **Recommendation**

That:

1. "Downtown Nanaimo Business Association Business Improvement Area Bylaw 2025, No. 7395" (a bylaw to establish a Business Improvement Area in the downtown Nanaimo area), pass first reading;
2. "Downtown Nanaimo Business Association Business Improvement Area Bylaw 2025, No. 7395" pass second reading; and
3. "Downtown Nanaimo Business Association Business Improvement Area Bylaw 2025, No. 7395" pass third reading.
4. Council direct Staff to proceed with notice of intention to conduct a local area service on a Council initiative subject to a petition against process; and
5. Council direct Staff to carry out the petition against process.

## **BACKGROUND**

In 2020, the Downtown Nanaimo Business Association (DNBA) requested that Council establish a Business Improvement area (BIA) as a Council initiative in the downtown core. As no sufficient petition against the proposal was received during the notice period, the bylaw was enacted, officially establishing the BIA in 2021 under the administration of the DNBA.

Staff have received a letter from the DNBA requesting support for the renewal of the Downtown Nanaimo Business Association Business Improvement Area for a five-year term from 2026 through 2030. The letter was followed by a report to Council and a presentation from Roberta Bowman, Executive Director of the DNBA at the 2025-OCT-06 Regular Council meeting.

At the 2025-OCT-06 Regular Council meeting Council directed Staff to work with the DNBA to establish a Business Improvement Area for a term of five years starting in 2026 and to undertake the establishment of the BIA as a Council initiative. |

## **DISCUSSION**

In accordance with the *Community Charter* a municipality may create a business improvement area by bylaw. A business improvement area (BIA) is an association of businesses and commercial property owners within a specified commercial area who come together to promote the economic development of the area through various marketing, beautification, safety and advocacy initiatives.

The BIA is a type of Local Area Service that can be established in one of two ways:

### **Petition for service**

Generally initiated by the local business owners, the petition must include information about the proposed business improvement area including boundaries and estimated costs. The petition must be signed by the owners of at least fifty percent of the parcels that would be subject to the local area tax, and those persons must be the owners of parcels that in total represent at least fifty percent of the assessed value of land and improvements that would be subject to the local service tax.

### **Council initiative – subject to petition against**

Council may initiate the establishment of a business improvement area by proposing the service and providing an opportunity for affected property owners to submit a petition against it. In accordance with Section 94 of the *Community Charter*, notice of the proposed BIA must be published and mailed to all owners of parcels subject to the local service tax. The notice must include details such as the proposed boundaries and estimated costs.

If Council does not receive a sufficient petition against the proposal within 30 days of notice, the BIA may be established by bylaw. The criteria for a sufficient petition against are the same as those for a petition in favour of the service

Over the past five years, the DNBA has actively delivered a range of services and initiatives focused on enhancing public safety, beautifying the downtown area, organizing community events, and advocating on behalf of local businesses.

The proposed terms of the BIA renewal are:

- 5-year term from 2026 through 2030
- 1.01% annual tax requisition increase from properties within the catchment
- No changes to the existing boundary

### **5-year requisition:**

<b>Year</b>	<b>Amount</b>
2026	\$160,000.00
2027	\$161,616.00
2028	\$163,248.32
2029	\$164,897.13
2030	\$166,562.59

In discussions with the DNBA Staff have determined that a petition against process is preferred, as this is the most used provision in the *Community Charter* to successfully create Business Improvement Areas.

If the petition against process is successful, the bylaw would be adopted, and the BIA levy would be collected through property taxation from the applicable properties that are within the BIA catchment and subject to the levy.

If the petition against process is not successful, the BIA would cease to exist, and no funds would be collected or distributed to the DNBA.

If Council proceeds with three readings of the BIA bylaw, the following is the proposed timeline:

Date	Description
2025-OCT-22	First notice of Bylaw published Mailout petition package to catchment properties
2025-OCT-29	Second notice of Bylaw published
2025-NOV-03 to 2025-DEC-05	Petition against period
2025-DEC-15	Council meeting: consider certified results and adoption of bylaw

## **OPTIONS**

1.

That:

1. "Downtown Nanaimo Business Association Business Improvement Area Bylaw 2025, No. 7395" (a bylaw to establish a Business Improvement Area in the downtown Nanaimo area), pass first reading;
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3. "Downtown Nanaimo Business Association Business Improvement Area Bylaw 2025, No. 7395" pass third reading.
4. Council direct Staff to proceed with notice of intention to conduct a local area service on a Council initiative subject to a petition against process; and
5. Council direct Staff to carry out the petition against process.

**Advantages:** the affected property owners would get an opportunity to provide their feedback on whether they would like to establish the Business Improvement Area.

**Disadvantages:** Additional administrative support is required when a Council initiative – petition against process is undertaken.

**Financial Implications:** There would be no financial implications to the City as the City would receive a one-time 2.5% administration fee (\$4,000), to administer the petition against process, to be deducted from the 2026 levy payment to the DNBA.

2. That Council provide alternative direction.]

**SUMMARY POINTS**

- The Downtown Nanaimo Business Association has asked that Council establish a business improvement area in the downtown core.
- At the 2025-OCT-06 Regular Council meeting, Council directed Staff to work with the DNBA to establish a Business Improvement Area for a term of five years starting in 2026 and to undertake the establishment of the business improvement area society as a Council initiative.
- The bylaw would be valid for 5 years from 2026 through 2030.
- Adoption of the bylaw requires the successful completion of a petition against process.
- The requisition request has an annual increase of 1.01%.

**ATTACHMENTS:**

Downtown Nanaimo Business Association Business Improvement Area Bylaw 2025, No. 7395 |

**Submitted by:**

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**Concurrence by:**

Wendy Fulla  
Director, Finance

Laura Mercer  
General Manager, Corporate Services |