City of Prince Rupert

AGENDA - Amended

For the **REGULAR MEETING** of Council to be held on January 11, 2021 at 7:00 pm in the Council Chambers of City Hall, 424 - 3rd Avenue West, Prince Rupert, B.C.

1. **CALL TO ORDER**

2. **ADOPTION OF AGENDA**

   Recommendation:
   THAT the Agenda for the Regular Council Meeting of January 11, 2021 be adopted as presented and amended to include item 4 (c).

3. **MINUTES**

   a) **Recommendation:**
   THAT the Minutes of the Special Council Meeting of December 7, 2020 be adopted. (attached)

   b) **Recommendation:**
   THAT the Minutes of the Regular Council Meeting of December 7, 2020 be adopted. (attached)

4. **RESOLUTIONS**

   a) **Report from Corporate Administrator – Re: DVP-20-25 for 250 Parker Drive.** (attached)

   Recommendation:
   THAT Council approve application Development Variance Permit No. DP-20-125 for 250 Parker Drive to proceed to Public Notification.

   b) **Report from the Corporate Administrator re: Resolution from Closed Meeting**

   Recommendation:
   MOVED by Councillor Cunningham and seconded by Councillor Niesh THAT Council review the applicants for the Prince Rupert Airport Authority and make appointments being Gloria Rendell, Knut Bjorndal and Kelly Sawchuck; and,

   THAT Council release the resolution at a future Regular meeting of Council.

   CARRIED

b) Report from the Corporate Administrator re: Resolution from Closed Meeting

Recommendation:
MOVED by Councillor Cunningham and seconded by Councillor Niesh THAT Council review the applicants for the Prince Rupert Library Board and make appointments being Andrea Wilmot, Dale White and Brendan Turner; and,

THAT Council release the resolution at a future Regular meeting of Council.

CARRIED

c) Report from the Corporate Administrator re: Application to Obtain a Trade or Business License Re: FCC Enterprises Inc. (DBA TBD)
(attached)

Recommendation:
THAT Council, by Resolution, instruct Staff to provide a letter to the Liquor and Cannabis Regulation Branch ("LCRB") to:
(a) Support the attached application for a provincial Cannabis Retail License:
(b) Support the attached application for a provincial Cannabis Retail License with terms and conditions; or,
(c) Not support the attached application for a provincial Cannabis Retail License

5. BYLAWS

a) Report from the Corporate Administrator Re: Downtown Core Revitalization Tax Exemption Program Bylaw No. 3466, 2020.
(attached)

Recommendation:
THAT Council give Third Reading to the Downtown Core Revitalization Tax Exemption Program Bylaw No. 3466, 2020 as amended.

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT

City of Prince Rupert

MINUTES

For the **SPECIAL MEETING** of Council held on December 7, 2020 at 4:00 p.m. in the Council Chambers of City Hall, 424 - 3rd Avenue West, Prince Rupert, B.C.

PRESENT: Mayor L. Brain
Councillor B. Cunningham
Councillor W. Niesh
Councillor N. Adey
Councillor G. Randhawa
Councillor R. Skelton-Morven
Councillor B. Mirau

STAFF: R. Long, City Manager
C. Bomben, Chief Financial Officer
R. Miller, Corporate Administrator

1. CALL TO ORDER

The Mayor called the Special Meeting of Council to order at 4:00 p.m.

2. RESOLUTION TO EXCLUDE THE PUBLIC

MOVED by Councillor Adey and seconded by Councillor Cunningham that the meeting be closed to the public under Section 90 of the Community Charter to consider items relating to one or more of the following:

90.1 (c) labour relations or other employee relations; and,

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that such disclosure could reasonably be expected to harm the interests of the municipality.

CARRIED

Confirmed:

____
MAYOR

Certified Correct:

____
CORPORATE ADMINISTRATOR

City of Prince Rupert

MINUTES

For the **REGULAR MEETING** of Council held on December 7, 2020 at 7:00 pm in the Council Chambers of City Hall, 424 - 3rd Avenue West, Prince Rupert, B.C.

PRESENT: Mayor L. Brain
Councillor W. Niesh
Councillor G. Randhawa
Councillor B. Cunningham
Councillor N. Adey
Councillor R. Skelton-Morven
Councillor B. Mirau

STAFF: R. Long, City Manager
C. Bomben, Chief Financial Officer
R. Miller, Corporate Administrator
R. Pucci, Director of Operations

1. CALL TO ORDER

The Mayor called the Regular Meeting of Council to order at 7:00 pm

2. **ADOPTION OF AGENDA**

MOVED by Councillor Cunningham and seconded by Councillor Adey that the Agenda for the Regular Council Meeting of December 7, 2020 be adopted as presented.

CARRIED

3. MINUTES

a) MOVED by Councillor Skelton-Morven and seconded by Councillor Randhawa that the minutes of the Special Council meeting of November 23, 2020, be adopted.

CARRIED

b) MOVED by Councillor Niesh and seconded by Councillor Cunningham that the minutes of the Committee of the Whole meeting of November 23, 2020, be adopted.

CARRIED

c) MOVED by Councillor Skelton-Morven and seconded by Councillor Niesh that the minutes of the Regular Council meeting of November 23, 2020, be adopted.

CARRIED

4. RESOLUTIONS

a) Report from the Chief Financial Officer - Re: October 2020 Budget Variance Report

b) Report from the Corporate Administrator re: Resolution from Closed Meeting

MOVED by Councillor Cunningham and seconded by Councillor Adey THAT Council review the applicants for the Tourism Board and make appointments being Michael Cote and Craig Outlet; and,

THAT Council release the resolution at a future Regular meeting of Council.

CARRIED

5. BYLAWS

a) Report from Chief Financial Officer Re: Water Utility Management Amendment Bylaw No. 3463, 2020; Sanitary and Storm Sewer Utility Management Amendment Bylaw No. 3464, 2020 and Solid Waste Management Amendment Bylaw No. 3465, 2020.

MOVED by Councillor Niesh and seconded by Councillor Skelton-Morven THAT WHEREAS Council is empowered according to section 194 [Municipal Fees] of the *Community Charter* to, by blyaw, imposes fees payable in respect of services of the City; and,

WHEREAS the fees and charges associated with the existing utilities bylaws are expiring December 31, 2020;

NOW THEREFORE, Council introduces and gives Fourth and Final Readings to the:

Water Utility Management Amendment Bylaw No. 3463, 2020;

Sanittary and Storm Sewer Utility Management Amendment Bylaw No. 3464, 2020; and, Solid Waste Management Amendment Bylaw No. 3465, 2020.

CARRIED

b) Report from Chief Financial Officer Re: Cemetery Fees and Charges Amendment Bylaw No. 3467, 2020.

MOVED by Councillor Adey and seconded by Councillor Cunningham THAT Council introduces and give Fourth and Final Readings to the Cemetery Fees and Charges Amendment Bylaw No. 3467, 2020.

CARRIED

c) Report from Corporate Administrator – Re: Zoning Bylaw No. 3462, 2020.

Moved by Councillor Cunnigham and seconded by Councillor Niesh THAT Council introduce and give First and Second Readings to the Zoning Bylaw No. 3462, 2020.

CARRIED

Moved by Mayor Brain and seconded by Councillor Cunningham to amend the Zoning Bylaw as follows:

i. Remove item 3.4.1 (c); and,
ii. Amend 3.19.0 to include shipping containers in M1 zones that meet outlined Development Guidelines.

CARRIED

d) Report from Corporate Administrator – Re: Official Community Plan Bylaw No. 3460, 2020.

Moved by Councillor Niesh and seconded by Councillor Randhawa THAT Council introduce and give First and Second Readings to the Official Community Plan Bylaw No. 3460, 2020.

CARRIED

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT

MOVED by Councillor Cunningham and seconded by Councillor Skelton-Morven that the meeting be adjourned at 8:20 p.m.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

DATE: January 11, 2021

TO: Mayor and Council

FROM: Rosa Miller, Corporate Administrator

SUBJECT: APPLICATION FOR DEVELOPMENT VARIANCE PERMIT – 250 Parker Drive

RECOMMENDATION:

THAT Council approves Development Variance Permit Application No. DP-20-25 for 250 Parker Drive to proceed to Public Notification.

REASON FOR REPORT:

On December 3, 2020 an application was received for a Development Variance Permit for the property located at 250 Parker Drive.

The application is to vary the City of Prince Rupert Zoning Bylaw, Section 5.2.3 (a): Principal Building Height from the minimum 9.0 m (29.5 ft) to 9.5 m (31.1 ft).

The full application is included as Attachment #1.

BACKGROUND and ANALYSIS:

The location of the subject property is illustrated on the context map, included with the application.

The proposed variance is a minor height increase which should not be significantly obstructive to the immediate neighbors' views or the neighborhood in general. The neighboring residents will have the opportunity to provide feedback during the public consultation period.

This application has been reviewed by iPlan, the City's planning consultant.

COST and BUDGET IMPACT:

There are no costs or budget impact to the City from granting, or not granting the variance.

CONCLUSION:

The proposed variance is minor with a low impact to the neighbourhood and is recommend to proceed to Public Notification.

Report Prepared By:

Originally Executed Available by Request

Digitally signed by Originally Executed Available by Request
DN: cn=Originally Executed Available by Request, o=City of Prince Rupert, ou=Administration, email=cityhall@princerupert.ca, c=US
Date: 2021.01.11 11:03:28 -08'00'

Rosa Miller,
Corporate Administrator

Report Reviewed By:

Originally Executed Available by Request

Digitally signed by Originally Executed Available by Request
DN: cn=Originally Executed Available by Request, o=City of Prince Rupert, ou=Administration, email=cityhall@princerupert.ca, c=US
Date: 2021.01.11 11:03:37 -08'00'

Robert Long,
City Manager

Attachment(s):

1. Application

CITY OF **PRINCE RUPERT**
Development Services
424 3rd Avenue West
Prince Rupert, BC, V8J 1L7
Phone: (250) 627 0996 **Fax:** (250) 627 0979
Email: planning@princerupert.ca

APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

(PLEASE PRINT CLEARLY)

OFFICE USE ONLY

Date Received: DECEMBER 3/20 Application/File No.: DP-20-25 (DVP)

APPLICANT:

Name: [redacted]

Address: [redacted]

Phone #: [redacted] Email: [redacted]

REGISTERED OWNER(S):

Name:

Address: Same as above

Phone #: Email:

SUBJECT PROPERTY INFORMATION:

Civic Address: 950 Parker drive

Legal Description: Lot 24 Range 5 PRP ~~240~~ 42034 DL251

Current Zoning:

Current Use:

PROPOSAL DESCRIPTION:

Proposed Variance: To vary height of Proposed building

Describe proposed variance 1'6" (1 foot & 6 inches)

MUST ATTACH ADDITIONAL INFORMATION INCLUDING LETTER OF INTENT, DRAWINGS

AUTHORIZATION:

As applicant or approved agent, I hereby make application in accordance with the City of Prince Rupert Bylaws and declare that statements in this application are true and correct. I understand that this application is a public document including personal information and it is open for inspection by the public and may be reproduced and distributed to the public as part of report(s) to Council or for the purpose of public hearing.

Applicant Signature: Bal Date: Dec 3, 2020

This application is made with my full knowledge and consent.

Registered Owner Signature: Bal Date: Dec 3, 2020

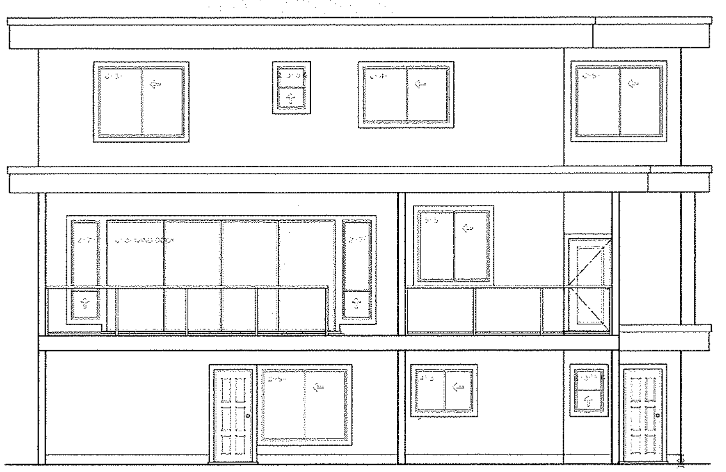
REQUIRED SUBMISSIONS:

- ☑ Application Fee $330.-
- ☑ Certificate of Title Fee $15.-
  (Cert. must be dated within 30 days of date of application)
- ☐ Owner's Authorization
- ☐ Site Profile – in accordance with Environmental Management Act and Contaminated Sites Regulation

Receipt No.: 343864

Signature of Official: ______________________ Date: ______________________

FRONT ELEVATION
SCALE: 1/4" = 1'



REAR ELEVATION
SCALE: 1/4" = 1'

TOORA HOME PLANS

TEL: (604) - 951 - 4343
FAX: (604) - 951 - 4373
EMAIL: toorahomes@gmail.com
ADDRESS:
12968 - 107 AVENUE
SURREY, B.C. V3T 2E9

CLIMATE ZONE 4

THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE 2018.

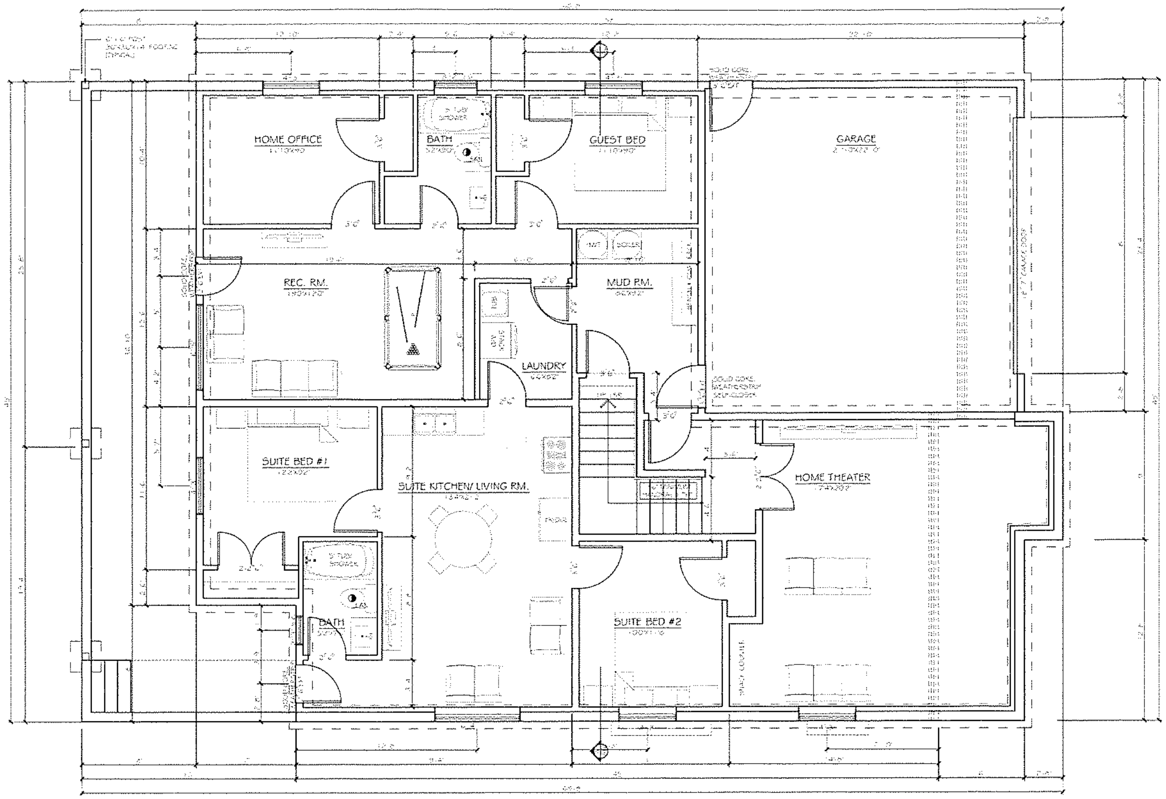
PROPOSED SINGLE FAMILY DWELLING

LOT #24 @ 250 PARKER DRIVE

PRINCE RUPERT, B.C.

TITLE	
SCALE	
DATE	
DESIGNER	
DRAFTER	

A5



BASEMENT FLOOR
SCALE: 1/4" = 1'

NET FLOOR AREA	875 SQ. FT.
GROSS FLOOR AREA	[illegible] SQ. FT.
GARAGE AREA	537 SQ. FT.
SECONDARY SUITE AREA	784 SQ. FT.

TOORA HOME PLANS

TEL: (604) - 951 - 4343
FAX: (604) - 951 - 4373
EMAIL: toorahomes@gmail.com

ADDRESS:
12968- 107 AVENUE
SURREY, B.C. V3T 2E9

COMPLIANCE PATH CHOSEN:
PERSCRIPTIVE METHOD AS PER
SECTION 9.36.2-9.36.4 of BCBC

HEATING:
IN-FLOOR RADIANT HEAT SYSTEM WITH HRV
(PASSIVE AIR INLET FOR SECONDARY SUITE)

CLIMATE ZONE 4

THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE 2018.

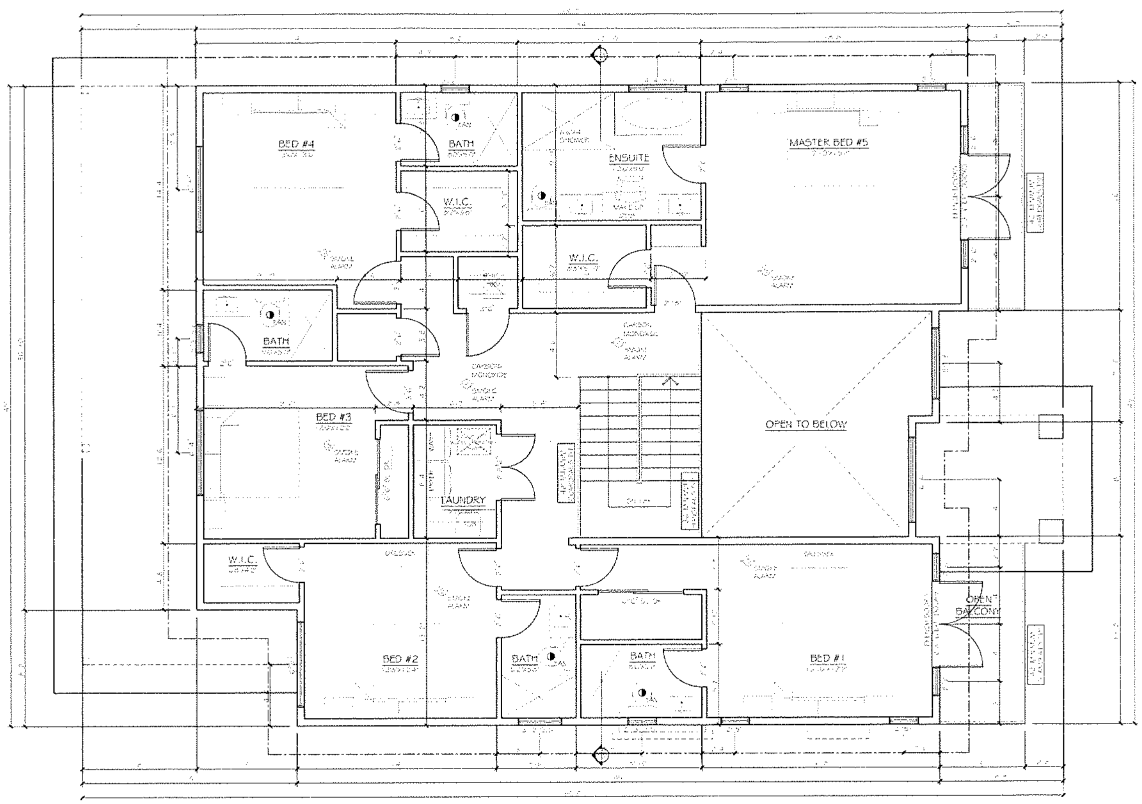
PROPOSED SINGLE FAMILY DWELLING

LOT #24 @ 250 PARKER DRIVE

PRINCE RUPERT, B.C.

TITLE	BASEMENT FLOOR PLAN
SCALE	[illegible]
DATE	[illegible]
DESIGNER	[illegible]
DRAFTER	

A4



UPPER FLOOR
SCALE: 1/4" = 1'

NET FLOOR AREA	[illegible] SQ. FT
[illegible] OPEN AREA	[illegible] SQ. FT
GROSS FLOOR AREA	[illegible] SQ. FT
[illegible] AREA	[illegible]

TOORA HOME PLANS

TEL: (604) - 951 - 4343
FAX: (604) - 951 - 4373
EMAIL: toorahomes@gmail.com

ADDRESS:
12968 - 107 AVENUE
SURREY, B.C. V3T 2E9

COMPLIANCE PATH CHOSEN:
PERSCRIPTIVE METHOD AS PER
SECTION 9.36.2-9.36.4 of BCBC

HEATING:
IN-FLOOR RADIANT HEAT SYSTEM WITH HRV
(PASSIVE AIR INLET FOR SECONDARY SUITE)

CLIMATE ZONE 4

THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE 2018.

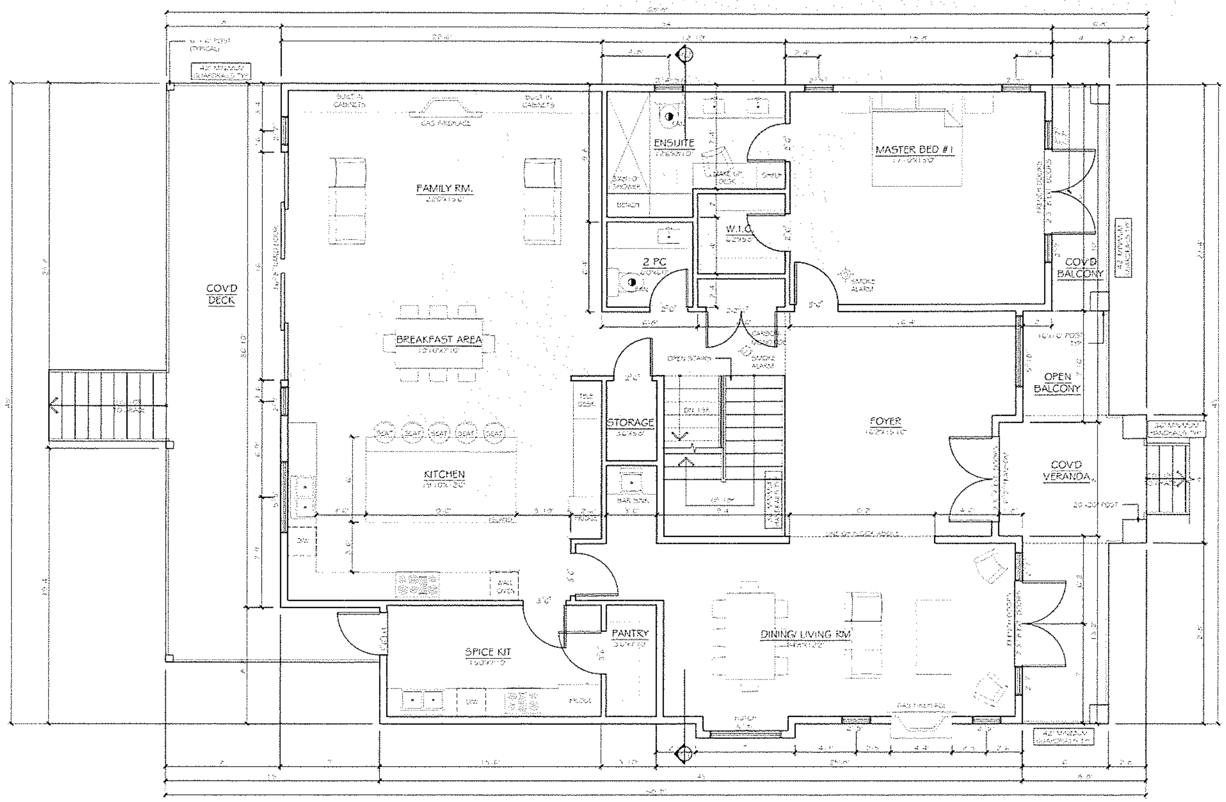
PROPOSED SINGLE FAMILY DWELLING

LOT #24 @ 250 PARKER DRIVE

PRINCE RUPERT, B.C.

TITLE	[illegible]
SCALE	[illegible]
DATE	[illegible]
DESIGNER	[illegible]
DRAFTER	

A3



MAIN FLOOR

SCALE: 1/4" = 1'

NET FLOOR AREA	2330 SQ. FT.
COVD BALCONY AREA	110 SQ. FT.
COVD DECK AREA	205 SQ. FT.
COVD VERANDA AREA	164 SQ. FT.

TOORA HOME PLANS

TEL: (604) - 951 - 4343
FAX: (604) - 951 - 4373
EMAIL: toorahomes@gmail.com

ADDRESS:
12968- 107 AVENUE
SURREY, B.C. V3T 2E9

COMPLIANCE PATH CHOSEN:
PERSCRIPTIVE METHOD AS PER SECTION 9.36.2-9.36.4 of BCBC

HEATING:
IN-FLOOR RADIANT HEAT SYSTEM WITH HRV (PASSIVE AIR INLET FOR SECONDARY SUITE)

CLIMATE ZONE 4

THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE 2018.

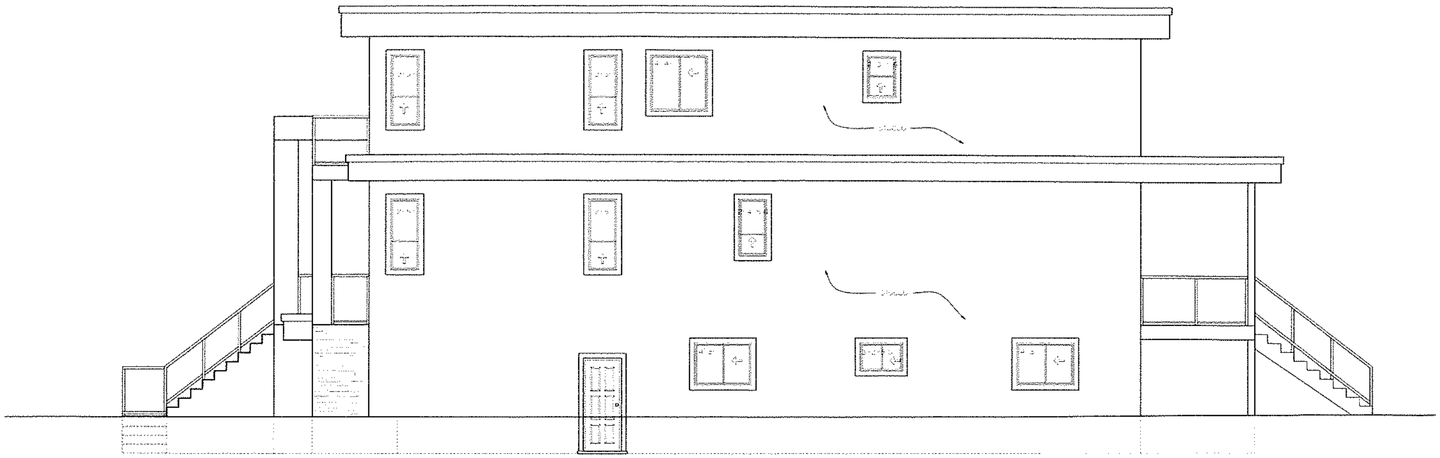
PROPOSED SINGLE FAMILY DWELLING

LOT #24 @ 250 PARKER DRIVE

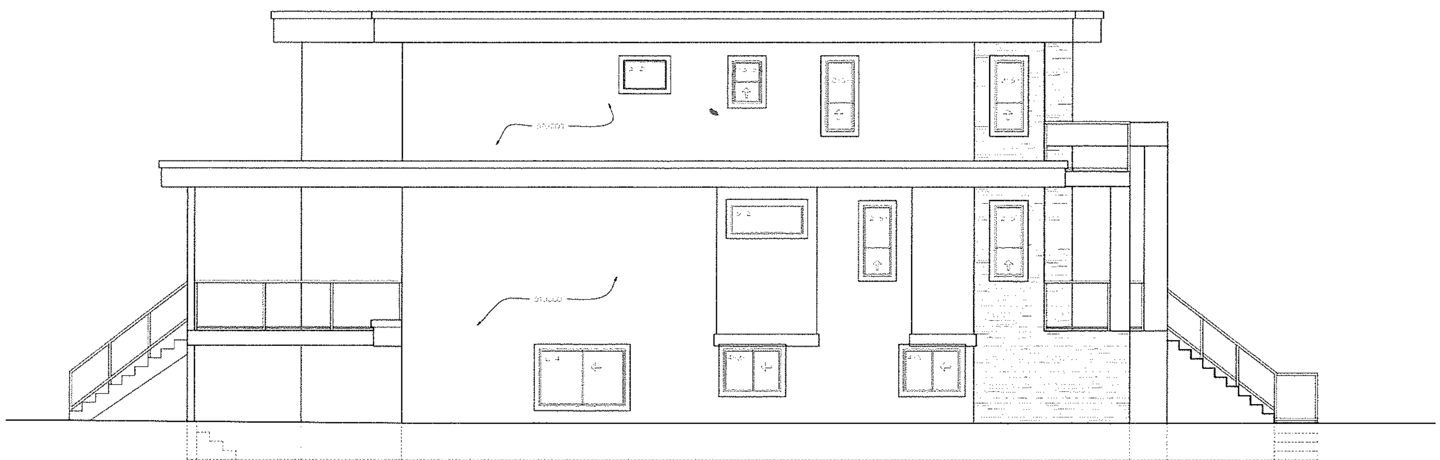
PRINCE RUPERT, B.C.

TITLE	MAIN FLOOR PLAN
SCALE	1/4"=1'
DATE	
DESIGNER	TOORA
DRAFTER	

A2



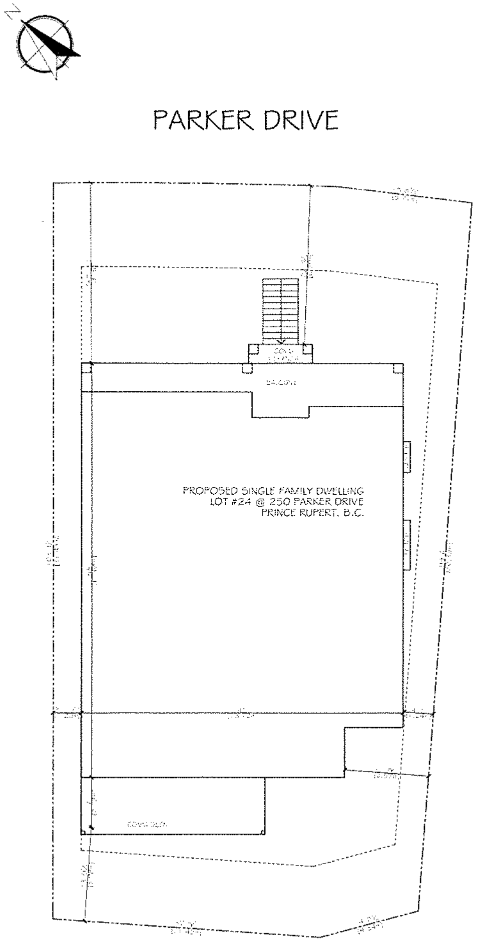
RIGHT ELEVATION
SCALE: 1/4" = 1'



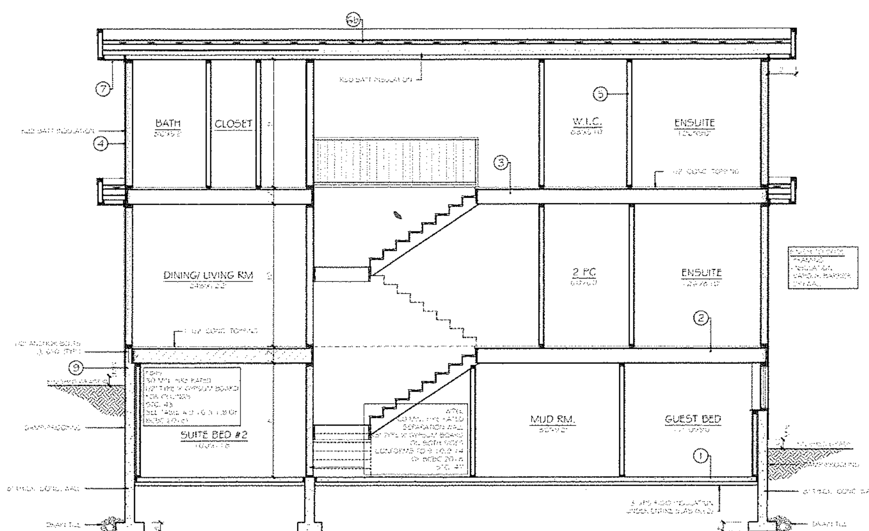
LEFT ELEVATION
SCALE: 1/4" = 1'

TOORA HOME PLANS	CLIMATE ZONE 4	PROPOSED SINGLE FAMILY DWELLING	TITLE	
TEL: (604) - 951 - 4343 FAX: (604) - 951 - 4373 EMAIL: toorahomes@gmail.com		LOT #24 @ 250 PARKER DRIVE	SCALE	
ADDRESS: 12968- 107 AVENUE SURREY, B.C. V3T 2E9	THESE PLANS CONFORM TO REQUIREMENTS IN THE B.C. BUILDING CODE 2018.	PRINCE RUPERT, B.C.	DATE	
			DESIGNER	
			DRAFTER	

A6



SITE PLAN
SCALE: 1/8" = 1'



SECTION A-A
SCALE: 1/4" = 1'

R2 ZONING

CONSTRUCTION SPECIFICATIONS

NOTES

TOORA HOME PLANS

TEL: (604) - 951 - 4343
FAX: (604) - 951 - 4373
EMAIL: toorahomes@gmail.com

ADDRESS:
12968 - 107 AVENUE
SURREY, B.C. V3T 2E9

COMPLIANCE PATH CHOSEN:
PERSCRIPTIVE METHOD AS PER
SECTION 9.36.2-9.36.4 of BCBC

HEATING:
IN-FLOOR RADIANT HEAT SYSTEM WITH HRV
(PASSIVE AIR INLET FOR SECONDARY SUITE)

CLIMATE ZONE 4

THESE PLANS CONFORM TO REQUIREMENTS
IN THE B.C. BUILDING CODE 2018.

PROPOSED SINGLE FAMILY
DWELLING

LOT #24 @ 250 PARKER DRIVE

PRINCE RUPERT, B.C.

TITLE	SITE PLAN
SCALE	[illegible]
DATE	[illegible]
DESIGNER	[illegible]
DRAFTER	

A1

CITY OF PRINCE RUPERT
OPERATION DEPARTMENT
424 3rd Avenue West, Prince Rupert B.C. V8J 1L7

250 Parker Drive
DP-20-25 (DVP)
Context Map

0 6 12 18 24
Meters
Scale: 1:800
Orientation: N

Coordinate System:	NAD 1983 UTM Zone 9N
Data Sources:	City of Prince Rupert GIS ICISociety

Project #:	DP-20-25
Author:	RB
Checked:	-
Status:	
Version:	1
Date:	2021 / 1 / 8

Document Path: G:\Mapping\ARCGIS_MAPS\Planning\DP-20-25 Context Map.mxd

CITY OF PRINCE RUPERT
OPERATION DEPARTMENT
424 3rd Avenue West, Prince Rupert B.C. V8J 1L7

250 Parker Drive
DP-20-25 (DVP)
Notice Map

0 7.5 15 22.5 30
Meters

Scale: 1:1,000
Orientation:

Coordinate System: NAD 1983 UTM Zone 9N
Data Sources: City of Prince Rupert GIS ICISociety

Project #:	DP-20-25
Author:	RB
Checked:	-
Status:	
Version:	1
Date:	2021 / 1 / 8

Document Path: G:\Mapping\ARCGIS_MAPS\Planning\DP-20-25 Notice Map.mxd

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

Regular Meeting of Council

DATE: January 11, 2021

TO: Robert Long, City Manager

FROM: Rosamaria Miller, Corporate Administrator

SUBJECT: APPLICATION TO OBTAIN A TRADE OR BUSINESS LICENSE RE: FCC ENTERPRISES INC (DBA TBD)

RECOMMENDATION:

THAT Council, by Resolution, instruct Staff to provide a letter to the Liquor and Cannabis Regulation Branch ("LCRB") to:

- **(a) Support the attached application for a provincial Cannabis Retail License;**
- **(b) Support the attached application for a provincial Cannabis Retail License with terms and conditions; or,**
- **(c) Not support the attached application for a provincial Cannabis Retail License.**

REASON FOR REPORT:

On October 20, 2020, an Application to Obtain a Trade or Business License was submitted. The application is for non-medical cannabis and cannabis related products. A resolution of Council is required as noted above prior to the applicant submitting their application to the LCRB.

BACKGROUND:

In accordance with the Council Policy for Consideration of Cannabis Retail Applications, Policy #100-23, the Provincial Cannabis Control and Licensing Act stipulates that the legal sale of non-medical cannabis by non-government agencies is subject to the issuance of a provincial (LCRB) license. Once a propose retailed makes an application for a provincial (LCRB) license the Province will inform the local government in whose boundaries a provincial Cannabis Retail License is proposed. Once the application is forward to the municipality, the City is requested to provide a recommendation as to whether Council supports the application.

If a recommendation is not received, the LCRB will not consider the license further.

In accordance with the above-referenced policy, notice was posted to the City's website and Rupert Talks commencing October, 2020.

To date we have received two (2) letters against the proposed application and eight (8) letters in the affirmative for the proposed application.

COST:

There is no cost to the City with respect to the support or non-support of the proposed application.

CONCLUSION:

THAT Council, by Resolution, instruct Staff to provide a letter to the Liquor and Cannabis Regulation Branch ("LCRB") in accordance with the previously noted Recommendation.

Report Prepared By:

Originally Executed Available by Request
Digitally signed by Originally Executed Available by Request
DN: cn=Originally Executed Available by Request, o=City of Prince Rupert, ou=Administration, email=cityhall@princerupert.ca, c=US
Date: 2021.01.11 11:03:59 -08'00'

Rosamaria Miller
Corporate Administrator

Report Reviewed By:

Originally Executed Available by Request
Digitally signed by Originally Executed Available by Request
DN: cn=Originally Executed Available by Request, o=City of Prince Rupert, ou=Administration, email=cityhall@princerupert.ca, c=US
Date: 2021.01.11 11:04:14 -08'00'

Robert Long,
City Manager

Attachments:

- Application to Obtain a Trade or Business License
- Council Policy for Consideration of Cannabis Retail Applications, Policy #100-23

CITY OF PRINCE RUPERT
Development Services
424 3rd Avenue West
Prince Rupert, BC, V8J 1L7
Phone: (250) 627 0960 **Fax:** (250) 627 0979
Email: customer.service@princerupert.ca

APPLICATION TO OBTAIN A TRADE OR BUSINESS LICENCE

BYLAW NO. 2426

(PLEASE PRINT CLEARLY)

OFFICE USE ONLY

Date Received: OCTOBER 2/20 Trade Licence No. ______ Voucher No. ______

APPLICANT:

Contact Name: ______

Home Address: ______ Postal Code: ______

Phone #: ______ Email: ______

I hereby make application for a Trade Licence to carry on a business in the City of Prince Rupert.

Business Name: FCC Enterprises Inc. (DBA TBD)

Business Address: 23 Cow Bay Road Postal Code: V8J1A4
(If different from Home Address)

Mailing Address: 4 - 1100 Park Ave Postal Code: V8J1K1
(If different from Business Address)

Business Phone: 236-333-5585 Business Email: ______

***If Registered,* Name of Company. *If not registered,* please list the Names of all Owners.**

Registered Name of Company or Owners: FCC Enterprises Inc.

Business Location: 23 Cow Bay Road, Prince Rupert, BC, V8J1A4

Please only complete what is applicable to your business:

Goods being sold: Non-medical Cannabis and Cannabis Related Products

Describe in detail the nature of your business and the intended use of the premise. (Both primary and secondary uses).
Licenced non-medical retail cannabis store with sales of cannabis goods and accessories.

Size of premises: 590sq.ft. Number of Vehicles: N/A Number of Agents: N/A Seating capacity: N/A

Liquor Licence (Y / N) Number of Units of Rooms (Building Rentals): N/A

If you intend to have any signage you must submit a <u>Minor Sign Permit Application</u> to the Planning Department.

Most signs on private property require a Development Permit or a Minor Works/Minor Sign Permit before a Building Permit can be issued to install a sign.

Enquire at City Hall before erecting a sign, exchanging an old sign for a new one, or constructing a new sign on your property.

CITY OF PRINCE RUPERT			
POLICY TITLE:	Council Policy for Consideration of Cannabis Retail Applications	POLICY NO:	100-23
EFFECTIVE DATE:	December 10th, 2018	SUPERSEDES	
APPROVAL:	December 10th, 2018	PAGE:	1 of 2

POLICY:

This policy defines a process by which Council will consider applications for retail cannabis licences from both government applicants, and non-government applicants referred by the Liquor Control and Regulation Branch.

DEFINITIONS:

Provincial (LCRB) Licence: A Provincial Licence refers to the licence required for those seeking to open a non-government operated cannabis retail store. These licences are administered through the Provincially designated authority over Liquor and Cannabis, the Liquor and Cannabis Regulation Branch (LCRB). Cannabis retail stores run by the Provincial Government (Government-Cannabis Stores, defined below) are not subject to this licencing program.

Cannabis Retail Store: This is a store run by a non-government operator that sells cannabis, and is governed by the Cannabis Control and Licencing Act (CCLA) and Cannabis Distribution Act (CDA).

Government Cannabis Store: A government cannabis store refers to a government-run store established under the CDA for the sale of cannabis to consumers.

PURPOSE:

The Provincial Cannabis Control and Licensing Act stipulates that the legal sale of non-medical cannabis by non-government agencies is subject to issuance of a provincial (LCRB) licence. Once a proposed retailer makes an application for a provincial (LCRB) licence the Province will inform the local government in whose boundaries a provincial Cannabis Retail License is proposed. Once the application is forwarded to the municipality, the City may provide a recommendation as to whether the Council supports the application.

Council may decide, by resolution, to:

- Support an application for a provincial Cannabis Retail License
- Support an application for a provincial Cannabis Retail License with terms and conditions
- Not support a provincial Cannabis Retail License

If a recommendation is not received the LCRB will not consider the license further.

To ensure a similar standard of community input and oversight is applied to both government and non-government cannabis retailers, the policies related to business licencing and community consultation also apply to Government Cannabis Stores.

This policy will serve as a procedural guideline for Council's evaluation of LCRB applications, as well as applications from government retailers, as they are referred to the City for review.

PROCEDURE:

1. The Cannabis Retail Store applicant will complete and submit a provincial Cannabis Retail Licence application to the LCRB, a separate application from the municipal one described below. If the LCRB approves a licence application to move to municipal consideration, a referral will be sent to the City's Licence Inspector for internal review, public feedback, consideration of a conditional business licence, and Council consideration.

    - Potential applicants are encouraged to review the City's Zoning Bylaw, and Business Licence Bylaw to ensure their proposal can meet all location-related and other regulatory requirements prior to submitting the LCRB Application for a provincial (LCRB) Cannabis Retail Licence.

    - The issuance of a business licence to all retailers is conditional upon Council approval of the application.

2. In the City of Prince Rupert, a government cannabis store must also comply with the City's Zoning Bylaw, Business Licence Bylaw, and this Council Policy for the Consideration of Cannabis Retail Applications, and therefore must meet the requirements laid out in section 3 – 8 of this policy.

3. If the proposed retail location is within 75 m of another location (which is not permitted within the Zoning Bylaw), the applicant must obtain a Development Variance Permit to vary the distance restriction before making an application for a Business Licence, collection of public feedback, and proceeding to Council consideration.

4. If the Government Cannabis Store or Cannabis Retail Store is proposed in an area where the Zoning Bylaw does not permit cannabis retail, the applicant must apply for a Zoning Bylaw Amendment. The amendment must be received before making an application for a Business Licence, collection of public feedback, and proceeding to Council consideration.

5. If the Cannabis Retail Store *is* proposed in a location that is zoned to permit cannabis retail stores as a land use, the Development Services Department will:

   a. Require the Applicant to submit an application for a Business Licence, and pay all associated fees specified in City of Prince Rupert Fees and Charges Bylaw, including a $500 Cannabis Retail Application processing fee.

      i. The Business Licence fee of $5,000 shall be held by the City until the application is adjudicated by the LCRB.

      ii. Should the application to the LCRB be unsuccessful, $4,500 of the Business Licence fee will be refunded.

      iii. The processing fee of $500 is non-refundable.

      iv. All government and non-government retailers are required to obtain a City Business Licence and pay associated fees.

   b. Business Licence Application and referral processing will not commence until a complete application to the City and fees are received.

   c. Business Licence Applications will be processed in the order they are received either by the Government Cannabis Store applicant, or as referrals from the LCRB.

6. As part of the Business Licence application process, the Development Services Department will:

   a. Make the full application, including Business Licence Application information, available at the Development Services Department counter and City website.

   b. Refer the application to internal departments for technical review, including the Planning Department.

   c. Refer the application to the Fire Department for a fire safety review of the proposed location.

d. Refer the application to RCMP for review of the site security plan.

    i. RCMP members may request additional security measures from the applicant based on specific site conditions or needs as part of the review process. Applicants are encouraged to work with RCMP to meet security requirements. RCMP comment on site security plans will be strongly considered in Council recommendations.[1]

e. Prepare report to Council to be presented at a Regular Meeting of Council, including any written comments from the public, response from RCMP, results of the technical review, and Business Licence Application information.

7. In addition to an application for a Business Licence, the applicant will notify nearby residents as follows:

    a. Place one quarter page advertisement in one edition of the local newspapers, with the text as included in Attachment 1 (non-government applicants) and Attachment 2 (Government Cannabis Store applicants).

    b. Deliver a public notice, with the text as included in Attachment 1, to all property owners and occupants within a 50m radius. The Planning Department will supply addresses of property owners to the applicant upon receipt of the full application. Notices to out of town occupants must be sent through registered mail.

    c. Dates for public response to be coordinated with a minimum of 14 days for public to submit written notices from the date notices are mailed, hand delivered, and published in the local newspapers.

    d. Those from the public who consider themselves to be impacted by the application will also have an opportunity to speak at the meeting where the application will be considered.

8. All information and requirements of the Business Licence and public notification must be submitted by the applicant and a final staff report prepared prior to Council consideration, as per the requirements for Cannabis Retail sales set out in Business Licence Bylaw No. 2426.

    i. A final Business Licence will not be issued without a positive recommendation from Council.

---

1 The Provincial licencing authority will conduct final inspections of the retail location prior to the issuance of a licence. Ensuring that the applicant has followed the RCMP approved Site Security Plan will be a component of the final inspection.

ii. The Business Licence will be issued only following a positive recommendations from Council.

iii. The timeline for City review will be subject to the frequency of Council meetings, whether the application initially meets local and Provincial regulatory requirements, and the applicant's response time to requests for additional information.

9. Once Council has had the opportunity to hear from staff and the public, and review the Business Licence Application, they will make a decision regarding the proposed application and forward it to the applicant. In the case of non-government Cannabis Retail Store applicants, this decision will be forwarded to the LCRB for consideration as well.

ATTACHMENT 1: Text of Public Notification for Non-Government Cannabis Retail Store Applicants

Name of Applicant has applied to Liquor and Cannabis Regulation Branch (LCRB) for a Retail Cannabis Sales Licence to be located in City of Prince Rupert at Civic Address. The establishment is within the area and zones where Retail Cannabis Stores, as defined in the City of Prince Rupert Zoning Bylaw, are permitted, and proposes to be open no longer than Insert Hours of Operation.

The Council of the City of Prince Rupert wishes to determine the views of the residents. Comments may be forwarded in writing no later than Insert Date (two weeks from date that notices are published in newspaper and sent to residents) to:

Corporate Administrator, City of Prince Rupert
424 3rd Avenue West,
Prince Rupert, BC
V8J 1L7
Or email: cityhall@princerupert.ca

ATTACHMENT 2: Text of Public Notification for Government Applicants

Name of Applicant has applied to the City for a Business Licence to be located in City of Prince Rupert at Civic Address. The establishment is within the area and zones where Retail Cannabis Stores, as defined in the City of Prince Rupert Zoning Bylaw, are permitted, and proposes to be open no longer than Insert Hours of Operation.

The Council of the City of Prince Rupert wishes to determine the views of the residents. Comments may be forwarded in writing no later than Insert Date (two weeks from date that notices are published in newspaper and sent to residents) to:

Corporate Administrator, City of Prince Rupert
424 3rd Avenue West,
Prince Rupert, BC
V8J 1L7
Or email: cityhall@princerupert.ca

CITY OF PRINCE RUPERT

DOWNTOWN CORE REVITALIZATION TAX EXEMPTION PROGRAM BYLAW NO. 3466, 2020

BEING A BYLAW TO ESTABLISH A DOWNTOWN CORE AREAS REVITALIZATION MUNICIPAL TAX EXEMPTION PROGRAM

WHEREAS Section 226 of the *Community Charter,* SBC 2003, Chapter 26, provides that a council may create a bylaw that will establish a revitalization tax exemption program;

AND WHEREAS Council wishes to encourage revitalization in the Downtown Core of Prince Rupert, as depicted in Schedule A;

NOW THEREFORE the Council of City of Prince Rupert in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as **"DOWNTOWN CORE REVITALIZATION TAX EXEMPTION PROGRAM BYLAW NO. 3466, 2020"**

2. In this bylaw, the following terms are defined as:

BUILDING means a building that is used for an ***Eligible Use***.

COMPLETE means:

a) That the work carried out by the ***Owner*** is completed within the conditions set out by the *"Builders Lien Act";* and

b) That an occupancy permit has been issued by the City's building inspector for an ***Eligible Improvement***.

DOWNTOWN CORE AREA mean that area of land in the City of Prince Rupert shown outlined on the Map attached as **Schedule A**.

DOWNTOWN CORE REVITALIZATION TAX EXEMPTION PROGRAM means the revitalization tax exemption program established under this Bylaw for ***Eligible Improvements***.

ELIGIBLE IMPROVEMENT means:

a) A new ***Building*** that is constructed on ***Eligible Land***; or

b) An existing ***Building*** on ***Eligible Land*** that is being redeveloped and has exterior building improvements valued at $50,000 or more.

ELIGIBLE LAND means a ***Parcel*** within the ***Downtown Core Area***.

ELIGIBLE USE means a commercial use, a light industrial use, or a residential use comprising a multiple family dwelling, as those terms are used in the City's Zoning Bylaw.

MUNICIPAL PROPERTY TAXES mean such portion of property value taxes that are imposed or levied pursuant to Section 197(1)(a) of the *Community Charter*, on all taxable land and improvements, which for clarity, as of the date of this Bylaw, includes without limitation, general municipal, debt and transit purposes of the City, and do not include taxes pursuant to Section 197(1)(b) of the *Community Charter* or taxes collected for other authorities including, but not limited to hospital, school, Municipal Finance Authority, North Coast Regional District, and BC Assessment Authority taxes;.

NON-MARKET INCREASE means an increase in the assessed value of a ***Building*** that is greater than the average increase in the assessment of that class of improvements in the ***Downtown Core Area*** resulting from new construction or redevelopment as determined by the *British Columbia Assessment Authority.*

OWNER means the registered owner of ***Eligible Land***.

PARCEL(S) means any lot, block or other area in which land is held or into which it is subdivided;

REDEVELOPMENT means the alteration or addition to an existing ***Building*** that results in the ***Non-Market Increase*** in value.

REVITALIZATION TAX EXEMPTION AGREEMENT means the agreement between the City of Prince Rupert and the ***Owner*** of ***Eligible Land*** that is substantially in the form attached to this Bylaw as **Schedule B**.

TAX EXEMPTION means the amount of the downtown revitalization tax exemption for an ***Eligible Improvement*** authorized under this Bylaw.

TAX YEAR means the calendar year from January 01 to December 31.

.

3. DOWNTOWN REVITALIZATION TAX EXEMPTION PROGRAM

a) There is hereby established a revitalization tax exemption program under Section 226 of the Community Charter for the granting of Tax Exemptions and the issuance of ***Revitalization Tax Exemption Certificates*** for ***Eligible Lands*** in accordance with terms and conditions prescribed in this Bylaw.

b) The revitalization tax exemption program is established under this Bylaw to promote the revitalization of the ***Downtown Core Area***, through the construction or redevelopment of buildings used for commercial, light industrial or multiple family residential purposes.

c) The revitalization tax exemption program is intended to accomplish the revitalization of the ***Downtown Core Area*** through economic incentives in the form of municipal property tax exemption for construction of new ***Buildings*** or redevelopment of existing ***Buildings*** that are on ***Eligible Lands***.

4. ELIGIBLE LANDS

For a ***Parcel*** to be eligible for a ***Tax Exemption*** in the relevant ***Tax Year***:

(a) the Parcel must be located within the Downtown Core Area; and

(b) the Parcel must be used for an Eligible Use.

5. DOWNTOWN (CITY) CORE AREAS TAX EXEMPTION APPLICATION PROCESS

Council may pass a resolution to authorize a municipal property tax exemption in accordance with this Bylaw, under the conditions described in this section:

a) The ***Owner*** has applied to Council for a municipal property tax exemption in the form attached to this Bylaw as **Schedule C**. The application must include all supporting documentation, a building permit application, and the application fee of $150;

b) In the case where a building permit application is not required, the ***Owner*** must submit a completed application in the form attached to this Bylaw as **Schedule C** prior to undertaking construction of any ***Eligible Improvement***. The application must include all supporting documentation, a complete set of architectural drawings, and the application fee of $150;

c) Council shall determine if the ***Owner's*** application meets the requirements set out in this Bylaw;

d) If the application has been approved by Council, the ***Owner*** may proceed with entering into a revitalization tax agreement with the City of Prince Rupert in a form substantially in the form attached to this Bylaw as **Schedule B**;

e) Upon execution of a revitalization tax agreement between the ***Owner*** and the City, a tax exemption certificate shall be issued and applied to the subject property.

6. DOWNTOWN CORE AREAS REVITALIZATION TAX EXEMPTION'S

a) The ***Tax Exemption*** for construction of a new ***Building*** is as follows:

i. New Commercial Buildings: 10 years of non-market tax increase as a result of new developments.

ii. New Multi-family Residential Buildings: 10 years of non-market tax increase as a result of new developments.

iii. New Light Industrial Buildings (Excluding Port Authority): five years of non-market tax increase as a result of new developments.

iv. In the final five years of a ten year tax exemption, taxes shall begin to increase proportionally each year until on the 11th year taxes are fully payable on the non-market increase.

b) The amount of ***Tax Exemption*** for redevelopment of existing ***Buildings*** are as follows:

i. Redeveloped Commercial Buildings: five years of non-market tax increase as a result of new developments.

ii. Redeveloped Multi-family Residential Buildings: five years of non-market tax increase as a result of new developments.

iii. Redevelopments must include $50,000 or more of improvements to the building exterior to qualify for the exemption.

READ A FIRST TIME this ____ day of ______________, 2020.

READ A SECOND TIME this ____ day of ______________, 2020.

PUBLIC NOTIFICATION this ____ day of______________, 2020.

MINISTRY OF TRANSPORTATION APPROVAL this ____ day of______________, 2020 (APPROVAL NO. _________).

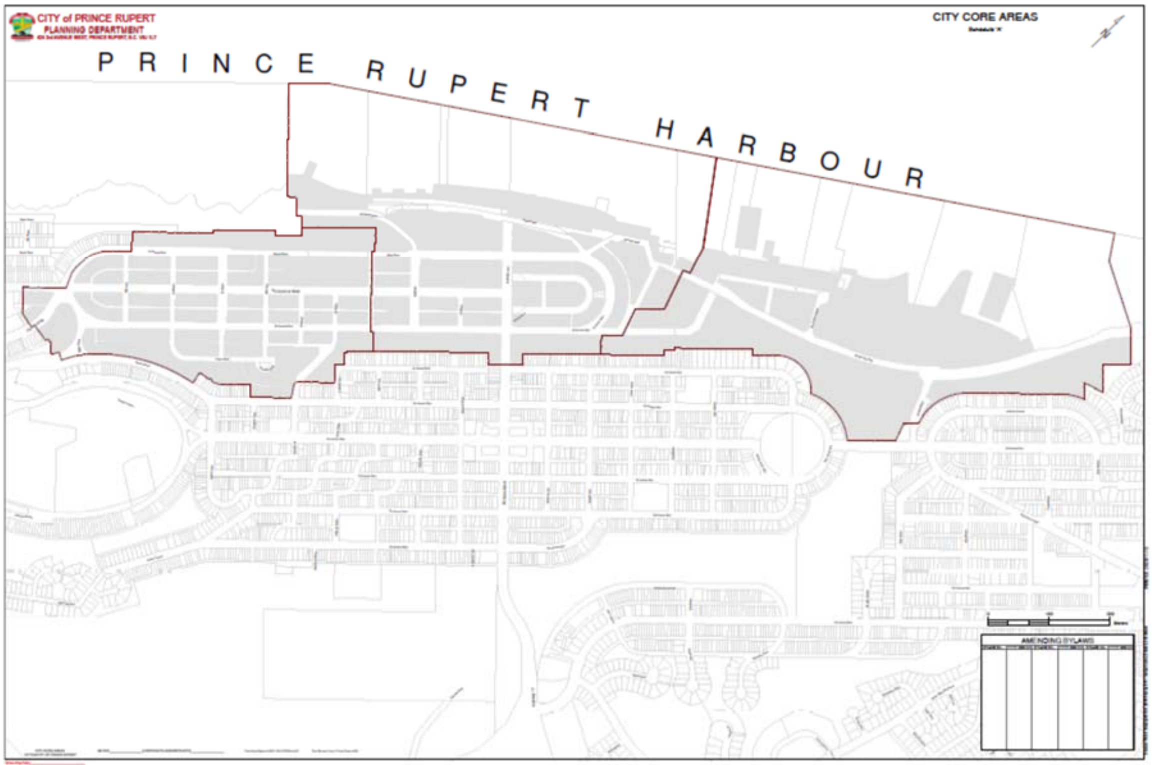
READ A THIRD TIME this ____ day of ______________, 2020.

FINALLY CONSIDERED AND ADOPTED this ____ day of______________, 2020.

____
Mayor

____
Corporate Administrator

SCHEDULE "A"
Description of *Eligible Lands*



SCHEDULE “B”
Downtown Core Area Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ____day of _______________, _______.

BETWEEN:

THE CITY OF PRINCE RUPERT (the “**City**”)

AND:

____
*Name of the owner of **Eligible Land***

____
*Address of the owner of **Eligible Land***

(the “**Owner**”)

WHEREAS

A. The City has established the Revitalization Tax Exemption Program (through Bylaw 3466) for the purpose of encouraging the construction and redevelopment of buildings for multi-family, commercial, and light industrial purposes within the Downtown Core Areas depicted in Schedule A;

B. The Owner is the registered owner in fee simple of those lands situate in the City of Prince Rupert and legally described as:

PID: _____________

Legal Description: ____

(the “**Property**”);

C. The Owner has applied for a municipal property tax exemption in respect of the Property under the provisions of Bylaw 3466; and

D. As part of the Revitalization Tax Exemption Program, the parties have agreed to enter in this Agreement to formalize the terms and conditions of a revitalization tax exemption applicable to the Property.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements contained herein and the payment provided by the Owner to the City in the amount of Ten Dollars ($10) the receipt and sufficiency of which is hereby acknowledged by the City, the Owner and the City covenant and agree with each other as follows:

1. <u>**DEFINITIONS**</u> (this whole section was done differently

In this Agreement, the following terms are defined as:

"**Agreement**" means this agreement including all recitals and schedules;

"**Building**" means a building that is used for either commercial, light industrial, or multi-family residential purposes;

"**Bylaw 3466**" means the Downtown Core Revitalization Tax Exemption Program Bylaw No. 3466, 2020;

"**City**" means the City of Prince Rupert;

"**Complete**" means:

a) that the work carried out by the Owner is completed within the conditions set out by the "Builders Lien Act"; and

b) that an occupancy permit has been issued by the City's building inspector for an Eligible Improvement;

"**Downtown Core Area**" means that area of land in the City of Prince Rupert shown outlined on the Map attached as Schedule A;

"**Eligible Land**" means a parcel of land that meets the eligibility requirements in Section 4 of the Bylaw;

"**Eligible Improvement**" means:

a) a new Building that is constructed on Eligible Land; or

b) an existing Building on Eligible Land that is being redeveloped and has exterior building improvements valued at $50,000 or more;

"**Municipal Property Taxes**" mean such portion of property value taxes that are imposed or levied pursuant to Section 197(1)(a) of the *Community Charter*, on all taxable land and improvements, which for clarity, as of the date of Bylaw 3466, includes without limitation, general municipal, debt and transit purposes of the City, and do not include taxes pursuant to Section 197(1)(b) of the *Community Charter* or taxes collected for other authorities including, but not limited to hospital, school, Municipal Finance Authority, North Coast Regional District, and BC Assessment Authority taxes;

"**Non-Market Increase**" means an increase in the assessed value of a Building that is greater than the average increase in the assessment of that class of improvements in the relevant Downtown Core Area resulting from new construction or redevelopment as determined by the *British Columbia Assessment Authority*;

"**Owner**" means the registered owner of Eligible Land;

"**Redevelopment**" means the alteration or addition to an existing Building that results in the Non-Market Increase in value;

"**Revitalization Tax Exemption Certificate**" means the revitalization tax exemption certificate that is issued in accordance with section 8 of this Agreements, and in accordance with Bylaw 3466;

"**Revitalization Tax Exemption Program**" means the downtown revitalization tax exemption for Eligible Improvements authorized under Bylaw 3466;

"**Tax Exemption**" means the amount of the downtown revitalization tax exemption for Eligible Improvement authorized under Bylaw 3466 but in no event to exceed assessed Municipal Taxes;

"**Tax Exemption Certificate**" has the meaning given in Section 6; and

"**Tax Year**" means the calendar year from January 01 to December 31;

2. TERM

The Agreement shall commence on the day of its execution and will continue in effect until the earlier of:

(a) the cancellation or expiry of the Tax Exemption Certificate; and

(b) termination of this Agreement in accordance with section 9.

3. APPLICABLE IMPROVEMENTS

This Agreement and the Tax Exemption shall only apply to the Eligible Improvements on Eligible Land.

4. REPRESENTATIONS AND WARRANTIES

The Owner represents and warrants to the City that:

(a) _______________ [insert where the owner is a corporation] is a corporation that is duly incorporated under the laws of ________________ [place of jurisdiction], and has the power and authority to enter into this *Agreement* and perform the actions required of the *Owner* under this agreement and has been properly authorized by all requisite proceedings;

(b) The *Owner* is the sole owner of the *Eligible Land* and the *Eligible Improvements* for the purpose of property assessment and taxation.

5. REQUIREMENTS FOR TAX EXEMPTION CERTIFICATE

Subject to the fulfillment of the conditions set out in this Agreement and Bylaw 3466, the City will issue a Revitalization Tax Exemption Certificate to the British Columbia Assessment Authority entitling the Owner to a Tax Exemption for the Tax Years during the Term (the "**Tax Exemption Certificate**").

6. CONDITIONS

The issuance of a Tax Exemption Certificate by the City to the Owner in respect of a Parcel is subject to the following conditions:

(a) The Owner must submit the following to the City for pending approval:

i. Confirmation in a form that is satisfactory to the City, the Owner shall have completed the Eligible Improvements in complete conformity with the plans attached in Schedule “A” to this Agreement; and

ii. A copy of the occupancy permit that is issued by the City’s building inspector for the Eligible Improvements.

(b) The City must be in receipt of the following from the British Columbia Assessment Authority:

i. In the case of an Eligible Improvement for a new Building, the confirmation of the assessed non-market value of the Eligible Improvement; and

ii. In the case of an Eligible Improvement for a Building being redeveloped, the confirmation of the Non-Market Increase of the Eligible Improvement from redevelopment.

For an Owner to qualify for a Tax Exemption for each Tax Year of the Term, the Owner must continuously use the Eligible Improvements for the use that is stated in the Owner’s Revitalization Tax Exemption Application, as submitted to the City.

7. OWNER’S COVENANTS

The Owner covenants and agrees that:

a) The Owner is solely responsible for all of the costs that are associated with the construction of the eligible improvements, this includes but is not limited to the costs of connecting to any City infrastructure or services that are required for the operation or construction of the eligible improvements;

b) The Owner shall follow all of the applicable statutes and regulations and be in accordance with all permits and approvals that are issued for the eligible improvements; and

c) The Owner shall, at their own expense, comply with all of the legal requirements set out by all authorities in respect to the construction of the eligible improvements.

8. CANCELLATION OF REVITALIZATION TAX CERTIFICATE

The Revitalization Tax Exemption Certificate may be cancelled by the City:

a) if requested by the Owner;

b) if at any time any of the conditions in the Tax Exemption Certificate or in this Agreement are not satisfied; or

c) If this Agreement is terminated in accordance with Section 12.

9. TERM OF TAX EXEMPTION

Provided that the requirements of this Agreement and Bylaw 3466 are satisfied, and subject to the Term of the Tax Exemption will be for a maximum period of ten (10) years. As long as the Revitalization Tax Exemption Certificate has not been cancelled, the eligible improvements shall be exempt from municipal property taxes subject to the conditions this Certificate provides.

10. SCOPE OF TAX EXEMPTION

The Owner acknowledges and agrees that the Tax Exemption applies solely in respect of Municipal Taxes and will not apply in respect of any taxes levied by other agencies whether or not collected by the District, nor in respect of local improvement charges or any other taxes, fees, charges or levies of the District or any other agency or entity.

11. CITY'S RIGHTS

This Agreement shall, in no way, affect the City's rights and powers in the exercise of its functions or its rights and powers under any public or private statutes, bylaws, orders, or regulations to the extent the same are applicable to the Eligible Lands depicted in Schedule A of Bylaw 3466, all of which may be fully exercised in relation to such Eligible Lands as if this Agreement had not been executed and delivered by the Owner.

12. TERMINATION OF AGREEMENT

The City may, at any time, terminate this Agreement if the following events occur:

a) the construction of the Eligible Improvements have not commenced within six (6) months of the date of this Agreement; or

b) the Owner fails to comply with Section 6.

13. TAX RECAPTURE

(a) In the event the Revitalization Tax Exemption Certificate is cancelled during a year where the Owner of the Eligible Improvements has already received the Tax Exemption, the Owner will remit to the City, no later than 30 days after receiving notice from the City of the cancellation, a recapture amount equal to the amount of the Tax Exemption prorated for the balance of the Tax Year remaining from the cancellation date.

(b) The parties agree that any amount owing under section 13(a) are Municipal Taxes and any such amounts that are not paid by December 31 of the Tax Year will become taxes in arrears in the following year and collectable as taxes in arrears.

14. NO REPRESENTATIONS

The City has made no representations, covenants, agreements, warranties, or promises (oral or otherwise) that are expressed or implied with the Owner of the eligible improvements except for the ones that are expressed within this Agreement.

15. GENERAL PROVISIONS

Both the City and the Owner agree that:

16. TIME

Time is of the essence of this Agreement.

17. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the City and the Owner in regards to all the subject matter in this Agreement, and it replaces any previous agreements, understandings, and negotiations (oral or otherwise) between the City and the Owner.

18. NO RIGHT OF ACTION

The Owner will have no cause of action for any losses incurred if this Agreement is found, for any reason, to be illegal, invalid or unenforceable by an authority of competent jurisdiction and in the event of the finding of such illegality, invalidity or unenforceability, the Agreement shall terminate with no liability to any of the parties.

19. ASSIGNMENT

This Agreement and the associated tax exemption benefit may be assigned, by the Owner, to a subsequent owner in fee simple of the Parcel, and then only with the prior written consent of the City, not to be unreasonably withheld, and subject to the satisfactory execution of an agreement between the City and the third party purchaser regarding the terms and conditions of the Tax Exemption.

20. NOTICES

Any notices that are required to be provided under this Agreement will be in writing and will be delivered either by personal delivery by hand, pre-paid registered mail, by fax transmission or by email:

To the City at:

Chief Financial Officer

424 3rd Ave West

Prince Rupert, BC

V8J 1L7

Fax: 250-627-0999

Email: ______________

To the Owner at: [insert address and fax number]

____

____

____

Any notice given in accordance with this section 150 will be deemed to be received immediately upon delivery if properly delivered by hand, seventy-two (72) hours after the time and date of mailing, if sent by pre-paid registered mail, or at the time of sending, provided that reasonable confirmation of delivery is provided by the sender, if sent before 5:00 pm on a Business Day and otherwise on the next Business Day, if sent by fax transmission or by email. If a disruption of the mail delivery in the Province British Columbia occurs, by reason of strike, slow down, lock out, or other labour dispute, then notice may only be given by fax transmission or in person delivery by the Owner or a party delegated by the Owner.

21. BINDING EFFECT

This Agreement shall take effect to the benefit of and be bound to the parties involved in this Agreement and their respective heirs, executors, successors, and permitted assignees.

22. AMENDMENT

The parties involved in this Agreement may amend such Agreements terms if both parties are under agreement, and such amendment shall be provided in writing and executed by both parties.

23. LAW APPLICABLE

This Agreement shall be interpreted in accordance with and governed by the laws applicable in the Province of British Columbia.

24. INTERPRETATION

a) When the singular or neuter are used in this Agreement, they shall include the plural or the feminine or masculine, body politic or corporate where the context or parties require;

b) All of the provisions within this Agreement are to be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph; and

c) The headings to the clauses in this Agreement have been inserted only as a matter of convenience and in no way do they define, limit or enlarge the scope or meaning of this Agreement or provision of it.

25. EXECUTION BY COUNTERPART

This Agreement may be executed in counterpart, and its delivery may be made by facsimile or other electronic transmission, and each such counterpart so executed will be as valid and binding as if it were an originally signed copy of a single agreement executed by the parties.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year first above written.

The City of Prince Rupert by its authorized signatories:	[**OWNER**] by its authorized signatories:
______________________________ Mayor	______________________________ Print Name:
______________________________ Corporate Administrator	______________________________ Print Name:

SCHEDULE "C"
Application for Downtown Core Area Tax Exemption

Date: ______________________________

Name:

____

Address:

____

Legal Description:

____

Roll Number: _________________________

I hereby certify that:

a) I am the registered owner of the property identified within the boundaries set out in **Schedule A** of Bylaw 3466;

b) I intend to:

   a. construct a new multi-family, commercial, or light industrial building in the revitalization tax exemption area within the boundaries set out in **Schedule A** of Bylaw 3466; or

   b. redevelop an existing multi-family, commercial, or light industrial building in the Revitalization tax exemption area within the boundaries set out in **Schedule A** of Bylaw 3466, and have received all of the necessary authorizations, including a building permit, for that redevelopment work;

c) I fully acknowledge that the grant of the revitalization tax exemption is subject to all of the conditions and requirement of Bylaw 3466, including but not limited to the terms and conditions of the **Revitalization Tax Exemption Agreement** and **Revitalization Tax Exemption Certificate;**

d) I have attached to this application:

   i. True copies of the architectural plans created by a registered professional for the proposed building/development work;

ii. A true copy of the building permit for the proposed building/redevelopment work.

____

Signature of Applicant or authorized signatory

SCHEDULE "D"

Revitalization Tax Exemption Certificate

Date of Issuance: ________________________ Certificate Number: ____________

Term [xx Years]: ________________________ Date of Expiry: ________________

Legal Description of the Property: PID: _________________

____

Property Address: _______________________________, Prince Rupert, B.C. V_______

Property Roll Number: ____

Exemption Amount: The amount of the tax exemption is as follows: ________________

1. This Certificate is subject to the condition that:
   a) The Owner continuously meets all of the covenants and obligations under the **Revitalization Tax Exemption Agreement** between the Owner and the City dated _______________ (Agreement Date);
   b) The conditions needed to receive the annual tax exemption are continuously met throughout the entire term of the Agreements; and
   c) The Agreement not be subject to early termination.

2. In the event the **Revitalization Tax Exemption Certificate** is cancelled during a year where the Owner of the eligible improvements has already received the revitalization tax exemption, a recapture amount is payable and shall be calculated as equal to the percentage of the amount of the exemption with the percentage being equal to the percentage of the remaining taxation year from the date of cancellation.

Effective date: This certificate does not apply to taxation in a calendar year unless it is issued on or before October 31 of the preceding year.

Issued by: ______________________________
[Chief Financial Officer]