



City of Prince Rupert

AGENDA

For the **REGULAR MEETING** of Council to be held on September 20, 2021 at 7:00 pm by Zoom.

1. CALL TO ORDER

Recommendation:

THAT the Regular Meeting of Council be suspended and that the Committee of the Whole be convened.

2. ADOPTION OF AGENDA

Recommendation:

THAT the Agenda for the Regular Council Meeting of September 20, 2021 be adopted as presented.

3. MINUTES

a) Recommendation:

THAT the Minutes of the Special Council Meeting of August 23, 2021 be adopted. (attached)

b) Recommendation:

THAT the Minutes of the Regular Council Meeting of August 23, 2021 be adopted. (attached)

c) Recommendation:

THAT the Minutes of the Committee of the Whole Meeting of August 23, 2021 be adopted. (attached)

4. REPORTS & RESOLUTIONS

a) Report from the Director of Operations – Re: Policy Resolution: Local Area Service

Recommendation:

THAT Council approve the Local Area Service Policy as presented.

b) Report from Chief Financial Officer – Re: July 2021 Financial Variance Report

(attached)

c) Report from the Chief Financial Officer – Re: Lax Kw’alaams Holdings Revitalization Tax Exemption Agreement.

Recommendation:

THAT Mayor and Council authorize a municipal property tax exemption for five years for Lax Kw’alaams Holdings subject to the fulfillment of the conditions set out in the agreement.

d) Report from iPlan – Re: Housing Actions.

(attached)

Recommendation:

THAT Council waive all fees for residential Rezoning, Development Permit and Building Permit applications for one year effective October 1, 2021 to October 1, 2022; and

THAT Council approve the housing actions and resources listed in this report.

e) Report from iPlan – Re: Minor Sign Permit No. 21-12 with Variance.

(attached)

Recommendation:

THAT Council approve Minor Sign Permit No. 21-12 with variance; and

THAT Council request staff to bring forward an amendment to Bylaw 3462 to include attached wall signs as a permitted form of wall sign.

f) Report from iPlan – Re: DVP-21-12 for 1353 Overlook Street.

(attached)

Recommendation:

THAT Council proceeds with the statutory notification process for Development Variance Permit Application (DVP) #21-12.

g) Report from the Corporate Administrator – Re: Request for Support, Jazz Production Association of BC

(attached)

Recommendation:

THAT Council direct staff to provide a Letter of Support to the Jazz Production Association of BC to support their application for a recovery grant to the BC Government.

5. BYLAWS

a) Report from the Chief Financial Officer – Re: Permissive Property Tax Exemption Amendment Bylaw No. 3477, 2021.

(attached)

Recommendation:

THAT Council give Fourth and Final Reading to the Permissive Property Tax Exemption Amendment Bylaw No. 3477, 2021.

b) Report from iPlan – Re: Business Regulation and Licensing (Renoviction) Bylaw No. 3476, 2021.

(attached)

Recommendation:

THAT Council give First and Second Reading to the Business Regulation and Licensing (Renoviction) Bylaw No. 3476, 2021.

c) Report from iPlan – Re: ZBLA-21-01, City of Prince Rupert Zoning Bylaw No. 3462, 2021 Amendment Bylaw No. 3478, 2021.

(attached)

Recommendation:

THAT Council give First and Second Reading to City of Prince Rupert Zoning Bylaw No. 3462, 2021 Amendment Bylaw No. 3478, 2021; and,

THAT Council proceed to the Public Hearing for Amendment Bylaw No. 3478, 2021; and,

THAT Council require the applicant to consolidate the lots prior to Final Reading.

d) Report from iPlan – Re: ZBLA-20-02, City of Prince Rupert Zoning Bylaw No. 3462, 2021 Amendment Bylaw No. 3475, 2021.

(attached)

Recommendation:

THAT Council proceed to Public Hearing.

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT



City of Prince Rupert

MINUTES

For the **SPECIAL MEETING** of Council held on August 23, 2021 at 4:00 p.m. in the Green Room of the Lester Centre, 1100 McBride Street, Prince Rupert, B.C.

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

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

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 Cunningham and seconded by Councillor Niesh 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 disclosure could reasonably be expected to harm the interest of the municipality.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR



City of Prince Rupert

MINUTES

For the **REGULAR MEETING** of Council held on August 23, 2021 at 7:00 pm in the Auditorium of the Lester Centre, 1100 McBride Street, Prince Rupert, B.C.

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

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

1. CALL TO ORDER

The Mayor called the Regular Meeting of Council to order at 8:44 pm.

MOVED By Councillor Adey and seconded by Councillor Randhawa THAT the Regular meeting of August 23, 2021 be suspended and that the Committee of the Whole be convened.

CARRIED

2. ADOPTION OF AGENDA

MOVED by Councillor Cunningham and seconded by Councillor Skelton-Morven that the Agenda for the Regular Council Meeting of August 23, 2021 be adopted as presented and amended.

CARRIED

3. MINUTES

a) MOVED by Councillor Cunningham and seconded by Councillor Skelton-Morven that the minutes of the Special Council Meeting of July 26, 2021 be adopted.

CARRIED

b) MOVED by Councillor Cunningham and seconded by Councillor Randhawa that the minutes of the Regular Council meeting of July 26, 2021, be adopted.

CARRIED

- c) MOVED by Councillor Mirau and seconded by Councillor Skelton-Mirau that the minutes of the Committee of the Whole meeting of July 26, 2021, be adopted.

CARRIED

4. REPORTS & RESOLUTIONS

- a) **Report from the Chief Financial Officer – Re: June 2021 Financial Variance Report**
- b) **Report from iPlan – Re: DVP-21-09 for 198 Prince Rupert Boulevard.**

MOVED by Councillor Cunningham and Seconded by Councillor Randhawa THAT Council proceed with the statutory notification process for Development Variance Permit Application (DVP) #21-09.

CARRIED

- c) **Report from iPlan – Re: DP-21-14 for 380 Bill Murray Drive**

MOVED by Councillor Niesh and Seconded by Councillor Mirau THAT Council approve the Development Permit 21-14 with a variance for parking in accordance with the attached draft permit.

CARRIED

5. BYLAWS

- a) **Report from iPlan – Re: Rezoning Application ZBLA-20-02 (Bylaw No. 3475, 2021).**

MOVED by Councillor Niesh and Seconded by Councillor Skelton-Morven THAT this matter be tabled to a further meeting to allow for additional information.

CARRIED

- b) **Report from the Chief Financial Officer – Re: Permissive Tax Exemption Bylaw No. 3477, 2021.**

MOVED by Councillor Skelton-Morven and Seconded by Councillor Mirau THAT Council give First, Second and Third Reading to the Permissive Tax Exemption Bylaw No. 3477, 2021.

CARRIED

c) Report from iPlan – Re: Official Community Plan Amendment Application (Bylaw No. 3472, 2021) and Rezoning Application ZBLA-21-02 (Bylaw No. 3473, 2021) for the property legally described as Lot 2, District Lot 1992, Range 5, Coast District, Plan 7225.

Councillor Randhawa left @ 9:40pm (citing conflict of interest)

MOVED by Councillor Skelton-Morven and seconded by Councillor Niesh THAT Council give Fourth and Final Reading to to City of Prince Rupert Official Community Plan Amendment Bylaw No. 3472, 2021 and City of Prince Rupert Zoning Bylaw No. 3462, 2021 Amendment Bylaw No. 3473, 2021.

CARRIED

Councillor Randhawa returned to the meeting @ 9:43pm.

6. ADJOURNMENT

MOVED by Councillor Adey and seconded by Councillor Cunningham that the meeting be adjourned at 9:57pm.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR



City of Prince Rupert

MINUTES

For the **COMMITTEE OF THE WHOLE MEETING** of Council held on August 23, 2021 at 7:00p.m. in the Auditorium of the Lester Centre, 1100 McBride Street, Prince Rupert, B.C.

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

STAFF: R. Miller, Corporate Administrator
C. Bomben, Chief Financial Officer
R. Pucci, Director of Operations
R. Buchan, iPlan

1. CALL TO ORDER

The Mayor called the Committee of the Whole Meeting to order at 8:45 pm.

2. ADOPTION OF AGENDA

MOVED by Councillor Cunningham and seconded by Councillor Randhawa that the Agenda for the Committee of the Whole Meeting of August 23, 2021 be adopted as provided.

CARRIED

3. DELEGATION

- a) Charlie Madison, Architect AIBC, Boni•Maddison Architects Re: CN Building

4. QUESTION PERIOD FROM THE PUBLIC

5. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL.

6. ADJOURNMENT TO RECONVENE REGULAR COUNCIL MEETING.

MOVED by Councillor Cunningham and seconded by Councillor Skelton-Morven that the meeting be adjourned at 7:21 p.m.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR

CITY OF PRINCE RUPERT
REPORT TO COUNCIL
Regular Meeting of Council

DATE: September 20th, 2021
TO: Robert Long, City Manager
FROM: Richard Pucci, Director of Operations & Intergovernmental Relations
SUBJECT: POLICY RESOLUTION: LOCAL AREA SERVICE

RECOMMENDATION:

THAT Council approve the Local Area Service Policy as presented.

REASON FOR REPORT:

In a recent Council meeting, Council directed staff to review a new "Local Area Service Tax Policy" as one way to complete lane extensions. Through a Local Area Service (LAS), property owners who want to conduct neighborhood improvements like a lane extension can petition Council, asking for the City to undertake the work.

Typical services accommodated under the Local Area Service include:

- Road improvements (including paving, curb and gutters, sidewalks, trees, and streetlights, as required);
- Back lane opening and paving; and
- Utility extensions such as water, storm, and sanitary.

A LAS project can be initiated either by Petition or by Council. The cost of providing the service is recovered through a local service tax bylaw placed on all the property owners in the area.

Whether the proposed LAS is initiated by property owners or the Council, property owners can support or oppose the initiative.

Petition or Council Initiative

An owner of a parcel who would like to petition for a LAS for the benefit of their property must submit a "Request for Local Area Service" showing sufficient support for the Petition (i.e., at least 50% of the owners of parcels located in the proposed benefiting area indicate their consent). Typically, staff would then review the scope of the Petition's request and may:

1. Request further information about the proposed LAS;
2. Provide the LAS proponent with a letter outlining the reasons why the City will not proceed with the proposed LAS; or

3. Provide the LAS proponent with a letter outlining the scope of the proposed LAS and provide all property owners an estimated cost of their share.

To get the project approved by Council, the Petition must be signed in favour by at least half of the property owners, representing at least half of the assessed value of the properties benefiting, and returned within 60 days after initial receipt.

However, when Council proposes an initiative, the City petitions local property owners to gauge their support. Unless requested otherwise through a petition against, the program will proceed.

Cost Share

Costs are shared between the City, and the abutting owners are typically as follows:

<u>Type of Local Area Service</u>	<u>Owner's Share</u>
Concrete curbs and sidewalks	75%
Sanitary sewer systems	100%
Storm sewer drainage systems	75%
Street lighting	100%
Roadworks (building or repairing)	75% – 100%
Utility under-grounding*	100%
Water systems	100%
Traffic calming measures	100%

* BC Hydro & Citywest are on utility poles or underground conduits

**For LASs not described in the above table, owners of benefitting parcels will be responsible for the percentage of the total project costs of that LAS, as specified by the Director of Operations.

Therefore; when property owners adjacent to an unconstructed lane wish to have the lane used for public vehicular access, and when this lane is not scheduled for improvement by the City, the owner(s) can petition the City for a LAS to improve the laneway for vehicular access to the laneway standards established by the City. In such circumstances, the City will provide interested property owners with the appropriate form of petition. For lane improvement LAS initiatives, the City will participate at a maximum rate of 25% of the costs. When lanes are built under this initiative, staff shall incorporate any additional ongoing maintenance costs in subsequent city budgets and financial plans. Further, lanes developed under a LAS will be given the lowest priority rating for snow clearing and pothole repair.

Additionally, an administrative fee to recover staff time to assess and process LAS requests from application time to construction/completion of the project applies to each LAS and is based on the project's final cost.

Typically, once the project cost assessment is complete, the individual property's share is determined and added to the property tax roll. Cost-shared local improvement charges are paid through property taxes, either in a single payment or as annual installments for a duration of between 5 and 20 years. If paying through annual installments, an interest component is typically added.

CONCLUSION:

It is recommended that Council approve the Local Area Service Policy.

Report Prepared By:


Report Reviewed By:

Richard Pucci
Director of Operations &
Intergovernmental Relations

Robert Long
City Manager

Attachments:

- Draft Local Area Service Bylaw

		<h2>POLICY AND PROCEDURE MANUAL</h2>	
Category: XX	Number: XX - XX	LOCAL AREA SERVICE TAX POLICY	
Type: - Policy - Procedure		Authority: - Council - Administrative	Approved By: - Council Chief Administrative Officer Department Head
Office of Primary Responsibility: Operations Department			
Date Adopted: XX	Council Resolution No: XX	Date to be Reviewed: XX	
Manner Issued: XX			

BACKGROUND:

Part 7, Division 5 of the Community Charter (Local Service Taxes) authorizes a Local Area Service which is defined as "a municipal service that is to be paid for in whole or in part by a local service tax". Local Area Services may be proposed either by petition of the benefiting property owners or by the initiative of the Council.

Local Area Services are a mechanism whereby property owners can have a local service, such as a sidewalk, a road improvement, a sanitary sewer or a storm sewer, installed when such a service may not currently meet normal municipal criteria for funded capital works.

This policy identifies the portion of the cost of a Local Area Service that is to be recovered by a local service tax, and indicates how the tax is to be apportioned.

PURPOSE:

To establish criteria for calculating Local Area Service taxes to be imposed on parcels of land, which benefit from or about Local Area Services, as established by bylaw pursuant to the requirements of the Community Charter.

POLICY:

1. Definitions

"Benefiting Area" means the area in which a local service tax is imposed to recover all or part of the costs of a LAS.

"Council" means the duly elected officials of the City, those being the Mayor and Councilor.

"Director" means the Director of Operations or designate.

"City" means the City of Prince Rupert.

"Frontage" means the side of a parcel which is nearest to the LAS works and, if two (2) or more sides of a parcel are equidistant from the LAS works, means the shortest of those sides.

"Highway" means a public street, road, recreational trail, lane, bridge, trestle, tunnel, ferry landing, ferry approach, and any other public way.

"LAS" means Local Area Service, that is a municipal service that is to be paid for in whole, or in part by a LAS tax, in accordance with the establishing LAS Bylaw for the service by means of a parcel tax.

"LAS Proponent" means an owner of a parcel who would like to petition for a LAS for the benefit of their parcel.

"Official Petition for LAS" means an official petition and information package mailed out to all owners of parcels in the Benefiting Area.

"Parcel" means any lot, block, or other areas in which land is held or into which it is subdivided but does not include a highway.

"Petition Against LAS" means as ascribed in Section 2.3.3.1 of this Policy;

"Policy" means general statements or guidelines that are high-level, as opposed to being operationally oriented, which direct a plan, course of action, or decision, according to a standard or performance outcome.

"Preliminary Petition for LAS" means a petition form issued to the LAS Proponent whereby signatures are requested from parcel owners that benefit from or abut the LAS.

"Rearage" means the side of a parcel which is opposite the frontage.

"Request for LAS" means a form completed by the LAS Proponent requesting a LAS.

"Taxable Frontage" means the portion of the frontage of a parcel that may be taxed by a local service tax.

"Total Perimeter" means the total perimeter of a parcel, including the frontage.

2. Local Area Services (LASs)

2.1 The only services that may be provided as LASs are services that the Council considers to provide particular benefit to part of the City.

2.2 A LAS tax is imposed only on those parcels of land, which benefit from or abut LASs. Revenue from a LAS tax may only be expended for the LAS in relation to which it is imposed.

Initiating and Establishing a LAS

2.3 LASs may be initiated either by petition of the benefiting property owners or by Council.

2.3.1 Petition

2.3.1.1 An owner of a parcel who would like to petition for a LAS for the benefit of their parcel ("LAS Proponent"), must submit a request ("Request for LAS") to the Director in the form attached hereto as Schedule "A".

2.3.1.2 The Director will review a Request for LAS and may:

- (a) request further information about the proposed LAS from the LAS Proponent;
- (b) provide the LAS Proponent with a letter outlining the reasons why the City will not proceed with the proposed LAS; or

- (c) provide the LAS Proponent with a letter:
- outlining the scope of the proposed LAS;
 - providing a Class B cost estimate of the proposed LAS; and
 - including a blank Preliminary Petition ("Preliminary Petition for LAS"), in the form attached hereto as Schedule "B".

2.3.1.3 The LAS Proponent has up to sixty (60) days after initial receipt to circulate the Preliminary Petition for LAS and return it to the Director. If the Preliminary Petition for LAS is not returned within sixty (60) days, the City will not take any further steps with respect to the proposed LAS. If the Preliminary Petition for LAS is returned within sixty (60) days, and the Director is satisfied that there is sufficient support for the proposed LAS from the owners of parcels located in the proposed Benefiting Area, the Director will prepare a Class B cost estimate of the proposed LAS and will request permission from Council to circulate an Official Petition ("Official Petition for LAS"). Sufficient support is deemed to exist where at least fifty percent (50%) of the owners of parcels located in the proposed Benefiting Area indicate their support for the proposed LAS on the Preliminary Petition.

2.3.1.4 If Council authorizes staff to circulate an Official Petition for LAS, City staff will mail out an information package to all owners of parcels in the Benefiting Area which will include: covering letter, estimated costs to each parcel, map of the works, voting sheet, and pre-paid and pre-addressed return envelope. Voting sheets are to be mailed back to the City or returned to City offices in person within sixty (60) days or another period of time specified by the Director. The Director will provide the Official Petition for LAS to the Chief Administrative Officer to determine its sufficiency and validity.

2.3.1.5 To be certified as sufficient and valid:

- (a) an Official Petition for LAS must be signed by the owners of at least fifty percent (50%) of the parcels located in the Benefiting Area; and
- (b) the persons signing the Official Petition for LAS must be the owners of parcels that in total represent at least fifty percent (50%) of the assessed value of land and improvements in the Benefiting Area.

2.3.1.6 If two or more persons are owners of a parcel:

- (a) they will be considered as one owner only;
- (b) they are not entitled to sign the Official Petition for LAS unless a majority of them concurs; and
- (c) their signatures will be disregarded in determining whether the Official Petition for LAS is sufficient unless it is signed by the majority of them.

2.3.1.7 Once an Official Petition for LAS has been certified as sufficient and valid by the Chief Administration Officer:

LOCAL AREA SERVICE TAX POLICY

- (a) Council may sign the Official Petition for LAS if the City is the owner of a parcel included in the Benefiting Area; and
- (b) Council may establish the LAS by adopting a LAS bylaw.

2.3.1.8 If the Official Petition for LAS is not certified as sufficient and valid by the Chief Administrative Officer, the City will provide written notice to the owners of parcels in the proposed Benefiting Area but will not take any further steps with respect to the proposed LAS.

2.3.1.9 Construction of a LAS may be delayed by the Director to coordinate with other projects, or by the Chief Financial Officer to the appropriate budget year.

2.3.2 Council Initiative

2.3.2.1 Council may propose to undertake a local area service on its own initiative by giving notice of this intention (in accordance with Section 94 of the Community Charter, SBC 2003, Chapter 26) to the owners of parcels that are located within the proposed Local Service Area.

2.3.3.1 The Council notice shall include a Class B cost estimate of the proposed LAS.

2.3.4.1 If the owners of parcels that are located within the proposed Benefiting Area object to the proposed LAS, they may present Council with a Petition Against LAS, in the form attached hereto as Schedule "C", within thirty (30) days after the notice required pursuant to Section 2.3.2.1 has been given. The Petition Against LAS will be subject to the conditions outlined in sections 2.3.1.5 and 2.3.1.6 and will not be accepted by the City more than thirty (30) days after the notice required pursuant to Section 2.3.2.1 has been given.

2.3.5.1 If the owners of parcels that are located within the proposed Benefiting Area do not present Council with a Petition Against LAS within thirty (30) days after the second notice publication (in the newspaper) under Section 2.3.2.1, Council may establish the local area service by adopting a LAS Bylaw with the assent of the electors, in accordance with the Community Charter.

2.3.6.1 If a Petition Against LAS meets the requirements of sections 2.3.1.5 and 2.3.1.6, and is presented to Council within thirty (30) days after the notice required pursuant to Section 2.3.2.1 has been given, Council will not:

- (a) proceed with the proposed local area service, or
- (b) propose the same local area service on its own initiative within a year after the presentation of the Petition Against LAS to Council, unless the local area service varies from or is less expensive than the local area service which was originally proposed.

2.3.7.1 If the owners of parcels that are located within the proposed Local Service Area do not present Council with a Petition Against LAS within thirty (30) days after the second notice publication under Section 2.3.2.1(a), Council may establish the local area service by adopting a LAS Bylaw with the assent of the electors, in accordance with the Community Charter.

Change in LAS Project Costs

- 2.4 If after receipt of construction bids, the cost of completing the LAS is more than 10% of the Class B cost estimate set out in the Official Petition for LAS, the City will:
 - (a) circulate a new Petition for LAS containing a revised estimate of the costs of the LAS; or
 - (b) elect not to proceed with the LAS.
- 2.5 If the construction cost of completing the LAS is less than 10% higher than the Class B cost estimate set out in the Official Petition for LAS, the City would fund this additional expense.
- 2.6 If the actual construction costs are lower, the property owners will only be charged based on the actual costs.

Cost Recovery

2.7 The City will recover staff time to assess and process LAS requests from application time to construction/completion of the project in the form of an administration fee in accordance with the following table:

Administration Fee Breakdown	Incremental Project Cost	Administration Fee*
First	\$100,000	5.50%
Next	\$150,000	5.00%
Next	\$250,000	4.50%
Next	\$500,000	4.00%
Remainder	\$1,000,000 and over	3.75%

*% of Incremental Project Cost

2.8 The owners of parcels benefiting from a LAS will pay the administrative fee per Item 2.7 plus their share of the total project costs in accordance with the percentages outlined in the following table:

Type of Local Area Service	Owners' Share	City's Share
Concrete curbs and sidewalks	75%	25%
Sanitary sewer systems	100%	0%
Storm sewer drainage systems	75%	25%
Street lighting	100%	0%
Roadworks (building or repairing)	75% - 100%	0% - 25%
Utility under-grounding*	100%	0%
Water systems	100%	0%

* Conversion of overhead BC Hydro, Citywest are on utility poles or underground conduits

- 2.9 For LASs not described in the above table, owners of benefiting parcels will be responsible for the percentage of the total project costs of that LAS, as specified by the Director.
- 2.10 If a concrete sidewalk or curb is to be constructed as a LAS on one side of a highway, the owners of the parcels adjacent to the sidewalk are responsible for 65% of the owners' share, and the owners of the parcels on the opposite side of the highway are responsible for 35% of the owners' share of the costs of the LAS.

Lane Extensions Requested by Owners of an abutting Parcel

- 2.11 Owners of parcels adjacent an unconstructed lane that request to have the lane used for public vehicular access, and when this lane is not scheduled for improvement by the City, the owners of the parcels can petition the City for a LAS to improve the laneway for vehicular access to the standards established by the City. In such circumstances, the City will provide interested owners of the parcels with the appropriate form of petition. For lane improvement LAS initiatives, the City will participate at a maximum rate of 25% of the costs subject to budget availability. When lanes are built under this initiative, staff shall incorporate any additional ongoing maintenance costs in subsequent City budgets and financial plans. Lanes developed under this initiative will be given the lowest priority rating for snow clearing and pothole repair.

Private Connection Costs

- 2.12 All costs associated with connecting a parcel to a LAS (including any work on private property) are the sole responsibility of the owner or owners of the parcel.

Enlargement, Reduction or Merging of Benefiting Areas

- 2.13 Council may, by bylaw, enlarge or reduce a Benefiting Area, or may by bylaw, merge two or more Benefiting Areas into one Benefiting Area.

LAS Tax

- 2.14 The owners' portion of the cost is payable by a local service tax that, depending on the nature of the LAS undertaken and the total cost for the work, can be levied for a duration between 5 to 20 years, with the annual charge per property being the cost per taxable frontage metre, including interest, multiplied by the taxable frontage for that property.
- 2.15 At the discretion of the Director, the local service tax shall be calculated on the basis of one or more of the following:
- (a) a single amount for each parcel;
 - (b) the taxable area of the parcel;
 - (c) the taxable frontage of the parcel; or
 - (d) the taxable frontage and area in accordance with the instructions outlined in Schedule "D".
- 2.16 A local service tax will be levied annually on properties located within the Benefiting Area for a period set out in the LAS Bylaw (ranging from 5 to 20 years), commencing in the following year the project is completed.

Interest Rate on LAS Projects

- 2.17 The interest rate charged on a local service tax will be the Municipal Finance Authority

REQUEST FOR Local Area Service

APPLICANT INFORMATION

Name _____ Date _____

Address _____

Phone _____ Email _____

Type of Local Area Service you are Requesting:

- Concrete curbs, gutters, and sidewalks
- Retaining walls along river banks
- Sanitary sewer systems
- Storm sewer drainage systems
- Street Lighting
- Utility undergrounding
- Water systems
- Roadworks (building or repairing)

If the type of local area service you are requesting is not listed above, please describe it below.

Where would you like this local area service to be constructed?

Why are you requesting this local area service?

Is there any other information that the City should know about this local area service?

PETITION AGAINST LOCAL AREA SERVICE

We, the undersigned property owners, wish to petition the Council against the establishment of the following local area service:

Three horizontal lines for listing the local area service.

Dated this _____ day of _____, 20 _____.

CONTACT PERSON

Form fields for Name, Address, Phone, and Email.

Table with 5 columns: Owner Name, Address, Postal Code, Signature, Phone. Multiple rows for listing property owners.

TAXABLE FRONTAGE RULES

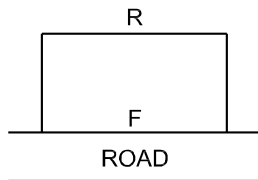
For works undertaken in the Local Area Service Program, the property owners at the Benefiting Area will be charged on the actual foot frontage of their properties except in cases of corner lots, triangular lots or irregularly shaped parcels of land (Cul-de-sacs, etc.) as described below:

Minimum Frontage: 5 m

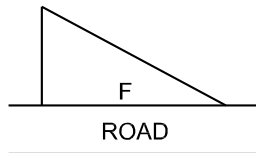
CORNER LOTS:

If the infrastructure improvement is on one side of the lot, the taxable frontage can be calculated by using one of the following methods. However, if the infrastructure improvement is on both sides of the lot, the taxable frontage will be equal to 50% of the total of both frontages.

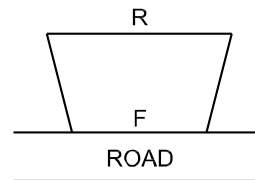
Rectangular /Triangular/Trapezoidal:



(a)



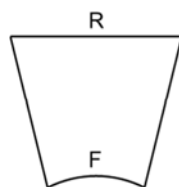
(b)



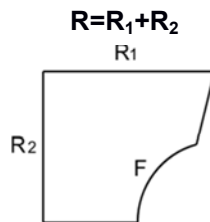
(c)

- a) Rectangular: Taxable Frontage = F
- b) Triangular: Taxable Frontage = (2/3)*F
- c) Trapezoidal: Taxable Frontage = (R+2*F)/3

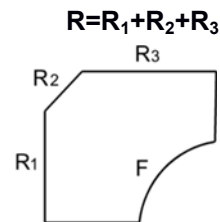
COURTS/CUL_DE_SAC LOTS:



Taxable Frontage = $(R+2*F)/3$



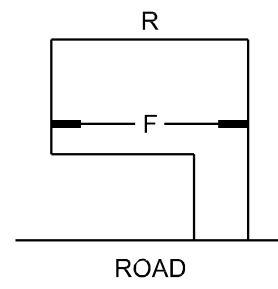
Taxable Frontage = $(3/4*R+2*F)/3$



Taxable Frontage = $(3/4*R+2*F)/3$

PANHANDLE LOTS:

In the case of a panhandle, the Taxable Frontage shall be considered equal to the lot line that is approximately parallel to the street from which access to the lot is gained.



CITY OF PRINCE RUPERT
REPORT TO COUNCIL

DATE: September 20, 2021
TO: Bob Long, City Manager
FROM: Corinne Bomben, Chief Financial Officer
SUBJECT: JULY 2021 FINANCIAL VARIANCE REPORT

CURRENT STATUS:

OPERATING BUDGET

In general, revenues and expenses continue to perform as expected. While reopening has led to increased revenues in heavily impacted departments, the increase through July has been slow and slightly outpaced by expenses. If this performance continues, the Safe Restart Grant funds will be used to address further short falls.

UTILITIES BUDGET

Aggregate operating revenues and expenses are within budget. Sewer expenses are much higher year to date due to a lower cost year in 2020 with 2021 being more in line with prior years' spending.

CAPITAL PURCHASES & CAPITAL WORKS

Capital projects are underway. The Woodworth dam and landfill cell are proceeding and are anticipated to be completed within the fiscal year. Changing Ministry of Environment requirements have led to higher costs on some aspects of the landfill project, but overall the capital budget is expected to be close to budget.

Prepared by:

Reviewed by:

Corinne Bomben,
Chief Financial Officer

Robert Long
City Manager

Attachments:

- Department Variance Report;
- Utilities Variance Report;
- Capital Purchases and Capital Works Variance Report

CITY OF PRINCE RUPERT					
July 2021 Department Variance Report					
REVENUES	YTD 2020 Actual (\$)	YTD 2021 Actual (\$)	2021 Budget (\$)	Budgeted Amount Left (\$)	% Left
Airport Ferry	326,346	58,160	550,000	(491,840)	(89.43)
Cemetery	79,522	90,735	100,000	(9,265)	(9.26)
Cow Bay Marina	65,532	105,409	200,000	(94,591)	(47.30)
Development Services	441,849	541,322	644,000	(102,678)	(15.94)
Economic Development	35,775	17,000	70,000	(53,000)	(75.71)
FD 911	58,068	54,902	90,000	(35,098)	(39.00)
FD Fire Protective Services	11,080	1,588	5,000	(3,412)	(68.24)
FD Emergency Measures	22,236	-	-	-	N/A
Finance	9,456	14,661	15,000	(339)	(2.26)
Fiscal Revenues	21,153,253	7,018,548	8,440,000	(1,421,452)	(16.84)
Information Technology	1,200	-	1,000	(1,000)	(100.00)
PW Engineering	3,039	1,560	5,000	(3,440)	(68.80)
PW Common cost	30,632	54,223	35,000	19,223	54.92
RCMP	5,579	41,092	91,000	(49,908)	(54.84)
Rec. Centre Arena	90,835	52,707	117,000	(64,293)	(54.95)
Rec. Centre Civic Centre	92,648	61,843	111,000	(49,157)	(44.29)
Rec. Centre Community Services	2,628	-	3,000	(3,000)	(100.00)
Rec. Centre Pool	92,015	106,082	129,000	(22,918)	(17.77)
Transit	108,395	99,685	212,000	(112,315)	(52.98)
Victim Services	51,316	50,991	77,000	(26,009)	(33.78)
Watson Island	-	-	400,000	(400,000)	(100.00)
	22,681,403	8,370,508	11,295,000	(2,924,492)	(25.89)
Property Taxes	21,593,214	22,845,416	22,845,000	416	0.00
Appropriated Surplus- COVID 19 Safe Restart Grant	-	-	850,000	(850,000)	(100.00)
Capital Works- Funding from PR Legacy	-	-	145,000	(145,000)	(100.00)
Capital Works- Funding from Grants	10,000	-	60,000	(60,000)	(100.00)
Capital Works- Funding from Appr. Surplus	-	-	86,000	(86,000)	(100.00)
Capital Works- Funding from Reserves	-	-	200,000	(200,000)	(100.00)
Capital Purchases- Funding from PR Legacy	-	-	350,000	(350,000)	(100.00)
Capital Purchases- Funding from Grants	30,000	5,200,000	5,421,000	(221,000)	(4.08)
Capital Purchases- Funding from Appr. Surplus	-	-	759,000	(759,000)	(100.00)
Capital Purchases- Funding from Reserves	-	-	4,864,000	(4,864,000)	(100.00)
	44,314,617	36,415,924	46,875,000	(10,459,076)	(22.31)

CITY OF PRINCE RUPERT					
July 2021 Department Variance Report					
EXPENDITURES	YTD 2020 Actual (\$)	YTD 2021 Actual (\$)	2021 Budget (\$)	Budgeted Amount Left (\$)	% Left
Airport Ferry	1,100,821	1,056,308	2,197,000	1,140,692	51.92
Cemetery	184,931	164,848	300,000	135,152	45.05
Civic Properties	166,116	156,811	325,000	168,189	51.75
Corporate Administration	517,194	434,893	904,000	469,107	51.89
Cow Bay Marina	113,635	145,802	191,000	45,198	23.66
Development Services	647,339	732,072	1,331,000	598,928	45.00
Economic Development	106,387	98,130	185,000	86,870	46.96
FD 911	317,518	365,743	598,000	232,257	38.84
FD Fire Protective Services	1,880,169	2,278,830	3,741,000	1,462,170	39.09
FD Emergency Measures	39,448	19,303	42,000	22,697	54.04
Finance	566,340	512,054	907,000	394,946	43.54
Finance Cost Allocation	(465,000)	(465,000)	(465,000)	-	-
Fiscal Expenditures	2,026,962	2,030,319	3,136,000	1,105,681	35.26
Governance	191,336	202,042	376,000	173,958	46.27
Grants	1,498,854	1,325,235	1,592,000	266,765	16.76
Information Technology	325,749	342,137	556,000	213,863	38.46
Parks	469,038	564,239	1,085,000	520,761	48.00
PW Engineering	255,582	292,480	605,000	312,520	51.66
PW Common Cost	2,483,024	2,637,777	4,278,000	1,640,223	38.34
Allocation of Common Cost	(2,341,769)	(2,472,087)	(4,169,000)	(1,696,913)	40.70
PW Vehicles	737,705	661,192	1,366,000	704,808	51.60
PW Vehicle Cost Allocation	(796,814)	(872,913)	(1,366,000)	(493,087)	36.10
RCMP	3,412,856	3,465,710	6,128,000	2,662,290	43.44
Rec. Centre Arena	186,184	220,887	342,000	121,113	35.41
Rec. Centre Civic Centre	1,003,701	861,929	1,624,000	762,071	46.93
Rec. Centre Community Services	641	5	3,000	2,995	99.82
Rec. Centre Pool	668,754	762,903	1,236,000	473,097	38.28
Roads	1,252,765	1,343,034	2,119,000	775,966	36.62
Transit	400,705	344,516	706,000	361,484	51.20
Victim Services	81,840	78,196	159,000	80,804	50.82
Watson Island	1,073,398	578,445	400,000	(178,445)	(44.61)
Transfer to Reserves	15,564,597	-	2,696,000	2,696,000	100.00
Capital Purchases	1,321,175	691,265	11,884,000	11,192,735	94.18
Capital Works	273,982	999,538	1,841,000	841,462	45.71
	35,265,162	19,556,644	46,853,000	27,296,356	58.26

CITY OF PRINCE RUPERT					
July 2021 Utilities Variance Report					
Utilities	YTD 2020 Actual (\$)	YTD 2021 Actual (\$)	2021 Budget (\$)	Budgeted Amount Left (\$)	% Left
Water					
Revenues	2,521,081	2,636,431	2,998,000	(361,569)	(12.06)
Capital Works- Funding from PR Legacy/Grant	2,857,000	4,191,508	5,300,000	(1,108,492)	(20.91)
Capital Works- Funding from LT Loan- MFA	-	-	10,000,000	(10,000,000)	(100.00)
Capital Works- Funding from Reserves	-	38,783	3,250,000	(3,211,217)	(98.81)
Less: Capital Works	(3,109,447)	(4,488,880)	(19,300,000)	14,811,120	76.74
Net Revenue	2,268,635	2,377,842	2,248,000	129,842	5.78
Expenditures	1,219,221	1,379,009	2,248,000	868,991	38.66
Surplus/(Deficit)	1,049,414	998,833	-	998,833	-
Sewer					
Revenues	2,331,747	2,402,527	2,563,000	(160,473)	(6.26)
Capital Works- Funding from Grants	-	87,000	87,000	-	100.00
Capital Works- Funding from Appropriated Surplus	-	288,368	939,000	(650,632)	100.00
Less: Capital Works	(877,597)	(1,232,356)	(2,026,000)	793,644	39.17
Net Revenue	1,454,150	1,545,539	1,563,000	(17,461)	(1.12)
Expenditures	555,660	860,290	1,563,000	702,710	44.96
Surplus/(Deficit)	898,490	685,249	-	685,249	-
Solid Waste					
Revenues	2,718,433	2,747,008	3,713,000	(965,992)	(26.02)
Capital Works- Funding from Appropriated Surplus	-	550,000	1,133,000	(583,000)	100.00
Capital Works- Funding from Accruals	-	55,316	2,884,000	(2,828,684)	100.00
Capital Works- Funding from LT Loan- MFA	-	2,041,819	7,708,000	(5,666,181)	100.00
Capital Works- Funding from Reserves	-	-	733,000	(733,000)	100.00
Capital Works- Funding from Grants	-	596,000	596,000	-	100.00
Less: Capital Works	(797,320)	(3,784,765)	(13,254,000)	9,469,235	(71.44)
Net Revenue	1,921,114	2,205,378	3,513,000	(1,307,622)	(37.22)
Expenditures	1,355,558	1,663,900	3,513,000	1,849,100	52.64
Surplus/(Deficit)	565,556	541,478	-	541,478	-

CITY OF PRINCE RUPERT July 2021 Capital Purchases Budget Variance Report	Budget	Actual	Variance
Ferry Dock Repair	125,000	-	125,000
Rupert Landing	4,500,000	42,483	4,457,517
Information Technology	25,000	-	25,000
RCMP Building Design	500,000	-	500,000
Civic Properties	5,201,000	221,803	4,979,197
Fire Department	417,000	-	417,000
Land Acquisition	57,000	16,011	40,989
Watson Island	250,000	-	250,000
Public Works	809,000	410,969	398,031
Total	\$ 11,884,000	\$ 691,266	\$ 11,192,734

CITY OF PRINCE RUPERT July 2021 Capital Works Budget Variance Report	Budget	Actual	Variance
General Operating	\$ 1,841,000	\$ 999,538	\$ 841,462
Water Utility	\$ 19,300,000	\$ 4,488,880	\$ 14,811,120
Sewer Utility	\$ 2,026,000	\$ 1,232,356	\$ 793,644
Solid Waste Utility	\$ 13,254,000	\$ 3,784,765	\$ 9,469,235
Total	\$ 36,421,000	\$ 10,505,539	\$ 25,915,461

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

DATE: September 20th, 2021

TO: Robert Long, City Manager

FROM: Corinne Bomben, Chief Financial Officer

SUBJECT: LAX KW'ALAAMS HOLDINGS REVITALIZATION TAX EXEMPTION AGREEMENT

RECOMMENDATION:

THAT Mayor and Council authorize a municipal property tax exemption for five years for Lax Kw'alaams Holdings subject to the fulfillment of the conditions set out in the agreement.

REASON FOR REPORT:

Council passed Bylaw No. 3466, 2020 that seeks to incentivize development in the downtown core by way of a municipal property tax exemption for eligible properties. As part of that bylaw, Council must authorize the exemption after determining whether the applicant meets the requirements set out in the aforementioned bylaw.

ANALYSIS:

Staff have received the applicant's application and have determined it meets the eligibility requirements stipulated in the bylaw with respect to redevelopment of an existing building. (Copy of application attached)

COST:

There is no cost associated with authorizing this exemption, save the opportunity cost foregone from the exemption of municipal taxes for five years on the non-market change, if any, that would be levied should there be an increase in assessment of the property. This is in keeping with the purpose of the revitalization exemption program.

CONCLUSION:

THAT Council, authorize a municipal property tax exemption for five years for Lax Kw'alaams Holdings.

Prepared by:

Reviewed by:

Corinne Bomben
Chief Financial Officer
Attachment: Application

Robert Long
City Manager

SCHEDULE "B"
Downtown Core Area Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the 4 day of August, 2021.

BETWEEN:

THE CITY OF PRINCE RUPERT (the "City")

AND:

Lax Kw'alaams Holdings
Name of the owner of Eligible Land

822-824 3rd Ave W. Prince Rupert BC
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: 014-773-261 & 014 773-295
Legal Description: Lot 20 & Lot 21, Block 24 Plan PR P923
(the "Property"); District Lot 251 1992 Section 1 Range 5 Land district 14
- 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. **DEFINITIONS** (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) Lax Kw'alaams Holdings [insert where the owner is a corporation] is a corporation that is duly incorporated under the laws of British Columbia [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]

Lax Kw'alaams Holdings cc: Carl Sampson
100 1st Ave E, Prince Rupert, BC V8J-1A6
Fax: 250-627-5933 Ph: 250-627-5733

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.

<p>The City of Prince Rupert by its authorized signatories:</p>	<p>[OWNER] by its authorized signatories:</p>
<p>_____ Mayor</p>	<p> _____ Print Name:</p>
<p>_____ Corporate Administrator</p>	<p> _____ Print Name:</p>

SCHEDULE "C"
Application for Downtown Core Area Tax Exemption

Date: 2021-08-04

Name: Lax Kw'alaams Holdings

Address: 822-824 3rd Ave W. Prince Rupert, BC. V8J-1M6

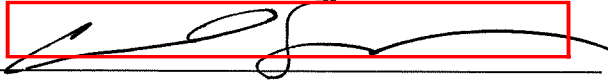
Legal Description:
Lot 20 & 21, Block 24 Plan PRP923 District Lot 251 1992 Section 1
Range 5 Land District 14

Roll Number: 25-227-0000 646.000

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.

A handwritten signature in black ink is enclosed within a red rectangular box. The signature is stylized and appears to be a cursive name.

Signature of Applicant or authorized signatory









CITY OF PRINCE RUPERT
REPORT TO COUNCIL

DATE: September 17th, 2021

TO: Robert Long, City Manager

FROM: Rob Buchan

SUBJECT: Housing Actions

RECOMMENDATION:

THAT Council:

- 1) Waive fees for all residential Rezoning, Development Permit and Building Permit applications for one year effective October 1, 2021 to October 1, 2022.
- 2) Approve the housing actions and resources listed in this report.

REASON FOR REPORT:

This report lists the results and necessary funding for the actions proposed in the Council Housing Actions workshop held June 15, 2021. Council subsequently endorsed the proposed housing actions.

BACKGROUND AND ANALYSIS:

On June 15th, 2021, Council had a workshop to review possible housing actions to address the local housing supply challenge.

The results and resource requirements for the actions are shown in table 1. The financial implications of the utility billing action for secondary suites are discussed in the Director of Finances memo of July 28, 2021. Council may wish to consider if it wishes to proceed with eliminating utility billing for secondary suites.

Prince Rupert Housing Actions	Timing/Resources
1. Develop and sell serviced and prepared land for housing development.	Planning to initiate after reviewing result from Tranche #1 late 2022 from the housing project. To be funded from proceeds. Budgets will depend on the sites involved.
2. Amend the zoning bylaw to remove the parking requirement in parts of the downtown for renovation of existing buildings for new suites in conjunction with Local Improvement Area bylaw for street parking improvements.	Planning to initiate work in November 2021. No additional resources needed.

3. Limit loss of rental housing (renoviction bylaw)	Draft complete. No additional resources needed.
4. Develop a guide for secondary suite renovations	Draft complete. No additional resources needed
5. Change the utility billing to remove extra cost for secondary suites.	See attached memo.
6. Provide for no-fee building permit applications and inspections for secondary suites.	No additional resources needed.
7. Advocate for income tax exemption from secondary suite rental (Federal and Provincial) through UBCM and FCM policy resolutions	City Planner and Corporate Administrator to initiate in time for 2023 UBCM and FCM. No additional resources needed.
8. Waive fees for all residential Rezoning, Development Permit and Building Permit applications for one year effective July 2, 2021 to July 2, 2022.	No additional resources needed. Recommend adjusting dates to be October 1, 2021 to October 1, 2022.
9. Advertise Prince Rupert opportunities in the Real Estate Institute and Urban Development Institute (magazines, on line, presentation at meetings, webinars)	A brief story on Prince Rupert development has been published by the UDI at no cost to the City. If there is an opportunity to present at a UDI meeting, there will be travel costs.
10. Consider amending the zoning bylaw to allow secondary suites in duplexes and multifamily Buildings (limited to bachelor or one bedroom lock off suites to a maximum size of 500 square feet).	Planning to initiate work in August. No additional resources needed.
11. Complete Housing Needs Assessment and then calibrate actions in updated Housing Strategy to ensure that each part of the housing continuum is considered.	Planning to initiate work in October. Grant funded. No additional resources anticipated if contract can be secured for the grant amount. It is anticipated that there may be an additional \$10,000 required for this initiative.
12. Conduct an annual review/workshop on Housing Action Plan progress	Initiate June 2022. No additional resources anticipated.
13. Develop a strategy to address cost impact of Muskeg removal on Housing Development.	Planning to work with City Manager to initiative in October. May require agrologist's assessment (estimated at \$5,000)

CONCLUSION:

The list of housing actions produced by the housing workshop presents a robust and ambitious set of actions that are intended to address the local housing challenge. Most of these actions do not require additional budget funding. Council's consideration of the financial impact of utility billing is requested.

Report Prepared by:

Rob Buchan
City Planner

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

DATE: September 17, 2021
TO: Robert Long, City Manager
FROM: Robert Buchan, City Planner
SUBJECT: Minor Sign Permit #21-12 with variance

RECOMMENDATION:

THAT Council:

- 1) approve minor sign permit with variance 21-12; AND
- 2) request staff to bring forward an amendment to bylaw 3462 to include attached wall signs as a permitted form of wall sign.

REASON FOR REPORT:

The application is requesting a minor sign permit with a variance to section 10.12.0 to permit four attached wall signs.

BACKGROUND and ANALYSIS:

The applicant is proposed to have four 51 inch by 39 inch attached poster frames that would allow for posters advertising products to be periodically placed and replaced.

The signage regulations in the zoning bylaw 3462 currently only allow wall signs to be painted on the surface of exterior walls. The definition of wall signs, though, define wall signs as painted or attached. In order to permit attached wall signs, a variance to the regulation is required.

Because wall signs are defined as being either attached to or painted on a exterior wall, only permitting them to be painted may have been an inadvertent restriction. Using poster frames to contain advertising posters would seem to be a reasonable approach to managing the use of posters as they can be easily placed and replaced without the use of glue, tape or tacks.

The proposed locations for the wall signs are on two blank walls measuring 25 feet, one inch and 26 feet 2 inches. The Development Permit Guidelines call for wall treatments on blank walls of 3 or more meters. The use of poster boards in frames would serve to mitigate the expanse of the blank walls and would therefore be consistent with the guideline.

COST and BUDGET IMPACT:

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

CONCLUSION:

The applicant is asking for a variance to zoning bylaw 3462 by varying section 10.12.0 to include four attached wall signs each no larger than 51 by 39 inches on the front facade. It is recommended that the variance be approved.

Report Prepared By:

Robert Buchan,
City Planner



DRAFT MINOR DEVELOPMENT PERMIT

424 3rd Avenue West | Prince Rupert, BC | V8J 1L7 | (250)-627-0996 | www.princerupert.ca

**Development Permit for a Sign (With
Variance
MSP #21-12**

FILE NO: CP-MSP-**21-12**

DATE OF ISSUANCE: September 20th, 2021

PERMIT ISSUED BY: **The City of Prince Rupert**, a municipality incorporated under the *Local Government Act*, 424 3rd Avenue, Prince Rupert, BC, V8J 1L7 (**The City**)

PERMITTEE: JANDA GROUP HOLDINGS INC., INC NO 1191597

APPLICANT: RED APPLE STORES ULC

SUBJECT PROPERTY: 405 West Third Street, Prince Rupert

1. This Development Permit applies to those lands within the City of Prince Rupert described below, and any and all buildings, structures, and other development thereon.

2. The following parcel is subject to this Minor Sign Permit with Variance:

LEGAL DESCRIPTION: (Lots 21 to 24, Block 34, S. 1, DL 251, R5, Coast District Plan 932)
CIVIC ADDRESS: (**405 West Third Street, Prince Rupert**)

SUBJECT TO the following conditions to the satisfaction of the City of Prince Rupert:

a. **The site signage shall be in accordance with the following:**

- i. Four 51 inch high by 39 inch wide poster display frames may be installed on the building exterior in the locations as shown on Schedule 1.
- ii. The signs may include posters that are replaced periodically.

General

3. If the Permittee does not substantially commence the development permitted by this Permit within 24 months of the date of this Permit, the Permit shall lapse and be of no further force and effect.
4. This Permit is **NOT** a building permit or subdivision approval.

ISSUED ON THIS 20th DAY OF September, 2021.

Robert Buchan
City Planner



SCHEDULE 1
MSR 21-12

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

DATE: August 30, 2021
TO: Robert Long, City Manager
FROM: Robert Buchan, City Planner
SUBJECT: Development Variance Permit #21-12

RECOMMENDATION:

THAT Council proceeds with the statutory notification process for Development Variance Permit Application (DVP) #21-12.

REASON FOR REPORT:

On June 21th, 2021 an application was received for a Development Variance Permit for the property located at 1353 Overlook Street.

The application is a variance to the City of Prince Rupert Zoning Bylaw, Section 5.2.0 for a proposed rear property line setback of 0.61 meters for a stair assembly and 1.52 meters for a deck in accordance with the attached schedules.

BACKGROUND and ANALYSIS:

This application is requested this variance to enable the addition of a new deck and stairs. The existing deck is proposed to be replaced by an enclosed addition that meets the zoning bylaw setback requirements. The proposed new deck would extend from the addition towards the back yard to 1.52 meters of the rear yard. From that deck, stairs would be built to within 0.61 meters (2 feet) of the rear yard.

The site plan and building plans are attached to the Draft Development Variance Permit.

The neighbourhood will have the opportunity to provide feedback during the notification process.

COST and BUDGET IMPACT:

There are no costs or budget impact to the City.

CONCLUSION:

The applicant is asking for rear yard setback variance to enable the construction of a new deck and stairs. It is recommended that Council proceed with the statutory public notification to allow the opportunity for feedback.

Report Prepared By:

Robert Buchan,
City Planner



DRAFT DEVELOPMENT VARIANCE PERMIT

424 3rd Avenue West | Prince Rupert, BC | V8J 1L7 | (250)-627-0996 | www.princerupert.ca

Draft Development Variance Permit #21-12

PERMITTEE: Mercedes de la Nuez and Walter George Deutschlander

CIVIC ADDRESS: 1353 Overlook Drive, Prince Rupert

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

LEGAL DESCRIPTION:

(Lot 35, Block G, DL 251, R5, Coast District Plan 1920)

CIVIC ADDRESS:

(1353 Overlook Drive)

3. The City of Prince Rupert Zoning Bylaw (Bylaw #3462) is varied as follows:
Reducing Section 5.2.0 Rear Yard setback to: 0.61 meters for a stair structure and 1.52 meters for a deck in accordance with the attached schedules.
4. If the Permittee does not substantially commence the variance permitted by this Permit within 24 months of the date of this Permit, the Permit shall lapse and be of no further force and effect.
5. This Permit is **NOT** a building permit, Sign Permit, or subdivision approval.

PLANS AND SPECIFICATIONS

6. The following plans and specification are attached to and form part of this permit:

Schedule 1: Site plan

Schedules 2.1 to 2.2: Building Plans

ISSUED ON THIS DAY OF _____

Rosa Miller
Corporate Administrator

SCHEDULE 1
DVP 21-12

1 of 1

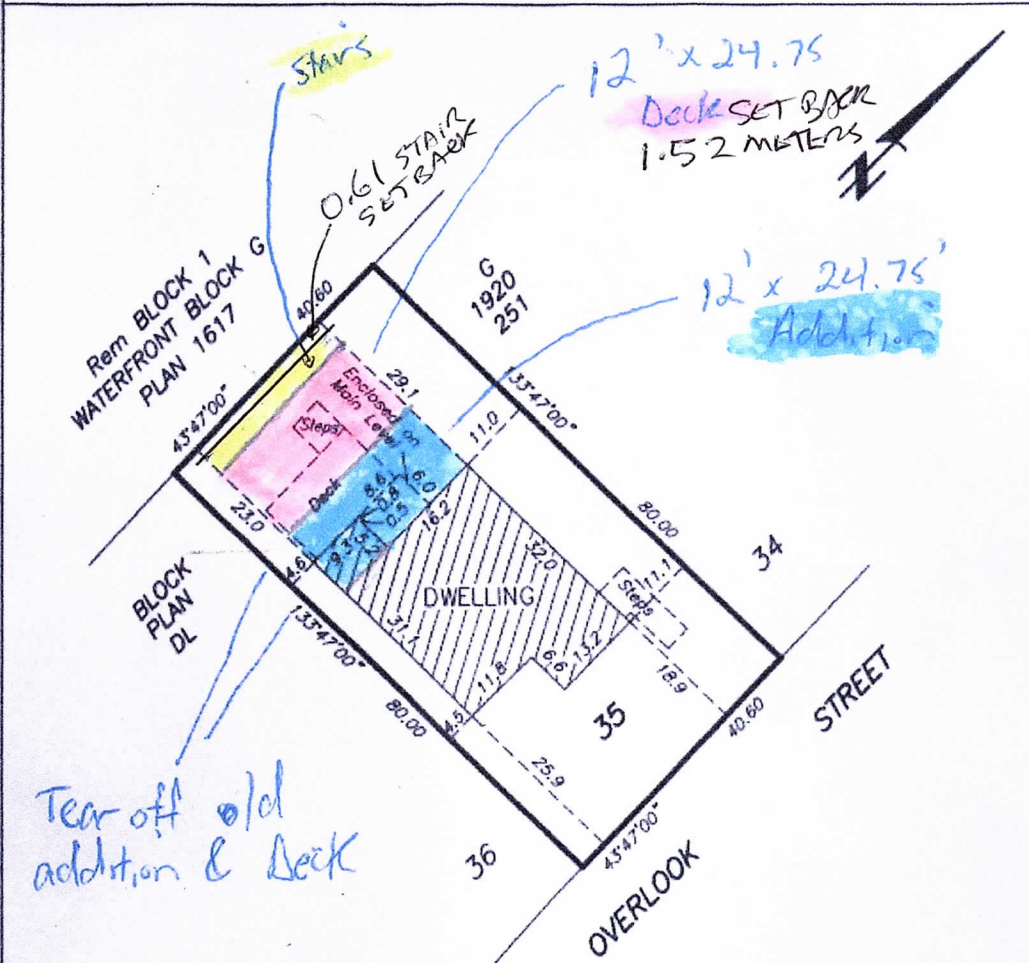


McElhanney Associates Land Surveying Ltd.
1 - 5008 POHLE AVENUE, TERRACE, BC V8G 4S5 TEL: 250-635-7183

PRINCE RUPERT, BC
V8J 2C7

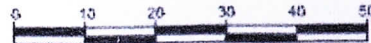
OUR FILE: 2321-50101-03
FIELD SURVEY DATE: FEBRUARY 9, 2021

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION SHOWING
IMPROVEMENTS OVER LOT 35, BLOCK G, DISTRICT LOT 251,
RANGE 5, COAST DISTRICT PLAN 1920.



NOTE:
THIS PROPERTY MAY BE AFFECTED BY THE FOLLOWING CHARGES:
SEE TITLE FOR CHARGES

ALL MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS
THEREOF. OFFSET DIMENSIONS ARE TO THE FOUNDATION
AND ARE PERPENDICULAR TO PROPERTY LINES, UNLESS
OTHERWISE SHOWN.



THE INTENDED PLOT SIZE OF THIS PLAN IS 8.5x14 INCHES
(LEGAL SIZE) WHEN PLOTTED AT A SCALE OF 1"=20'.

DIMENSIONS DERIVED FROM PLAN 1920

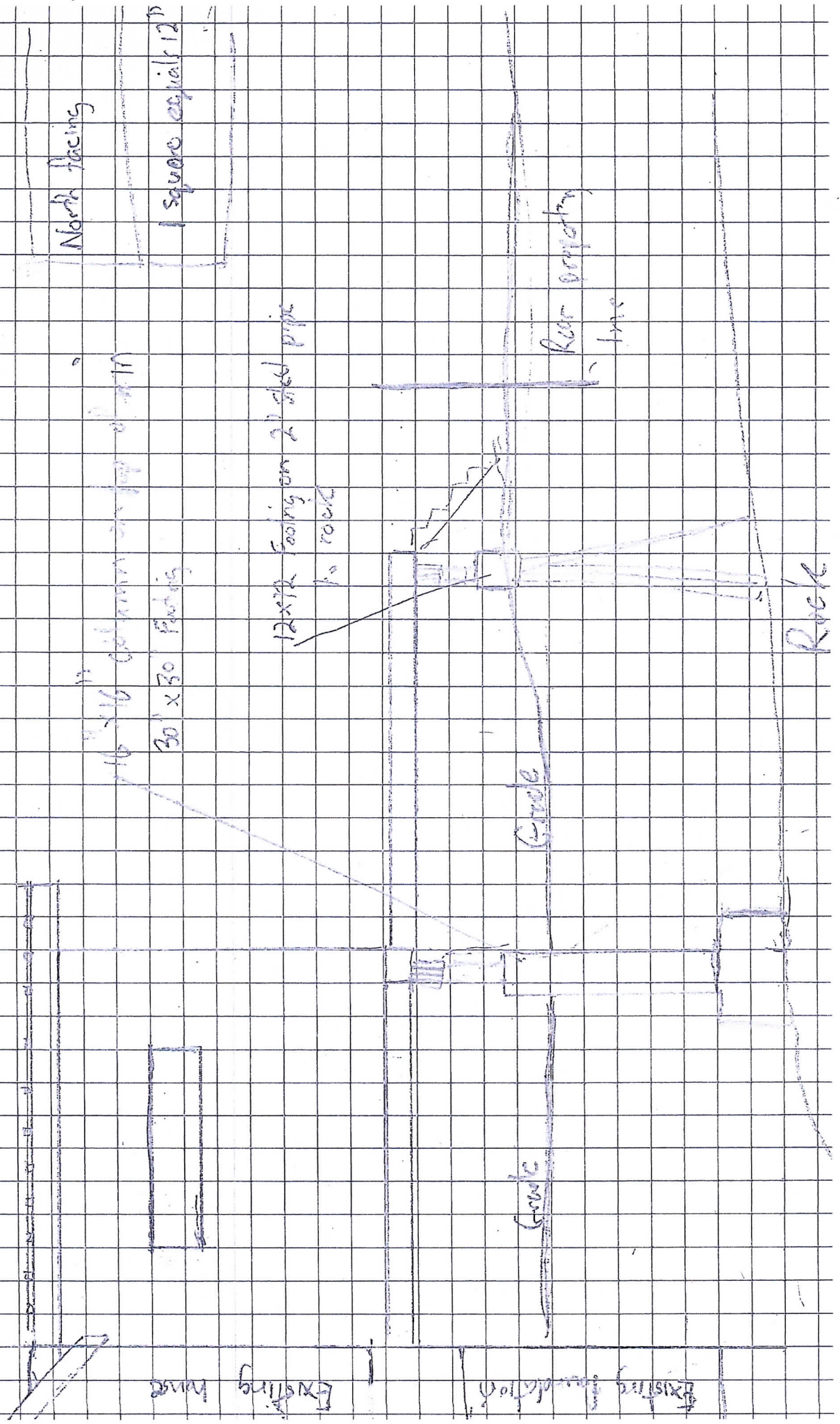
CIVIC ADDRESS: 1353 OVERLOOK ST.
PRINCE RUPERT, BC

PID: 012-544-281

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED FOR
CITY ZONING PURPOSES AND IN ACCORDANCE WITH THE
PROFESSIONAL REFERENCE MANUAL AND IS CERTIFIED CORRECT
ACCORDING TO LAND TITLE AND SURVEY AUTHORITY RECORDS

THIS BUILDING LOCATION CERTIFICATE WAS PREPARED FOR
THE EXCLUSIVE USE OF OUR CLIENT. THIS DOCUMENT
SHOWS THE RELATIVE LOCATION OF THE SURVEYED
STRUCTURES AND FEATURES WITH RESPECT TO THE
BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS

SCHEDULE 2-1
DVP 21-12



SHED USE 202
SUP 21-12

Floor of addition 2x10" 16" o/c with 5/8" T&G Plywood
Walls to be 2x6" with 2x10" Headers above windows
& doors

Deck to be 2x10 pressure treated with 5/4" pressure
treated decking

Beams supporting Addition & Deck 2x10"

Stairs to be determined
by grade

1 Square Equals 12"

2x10 Red Rakers 16" o/c
2x4 Sillings 16" o/c
3/4" T&G Plywood

Touch on Roofing tying into sloped
Shingled Roof of existing house
Built for future road deck

9'8" existing height inside

9'6" x 6'
window

Existing

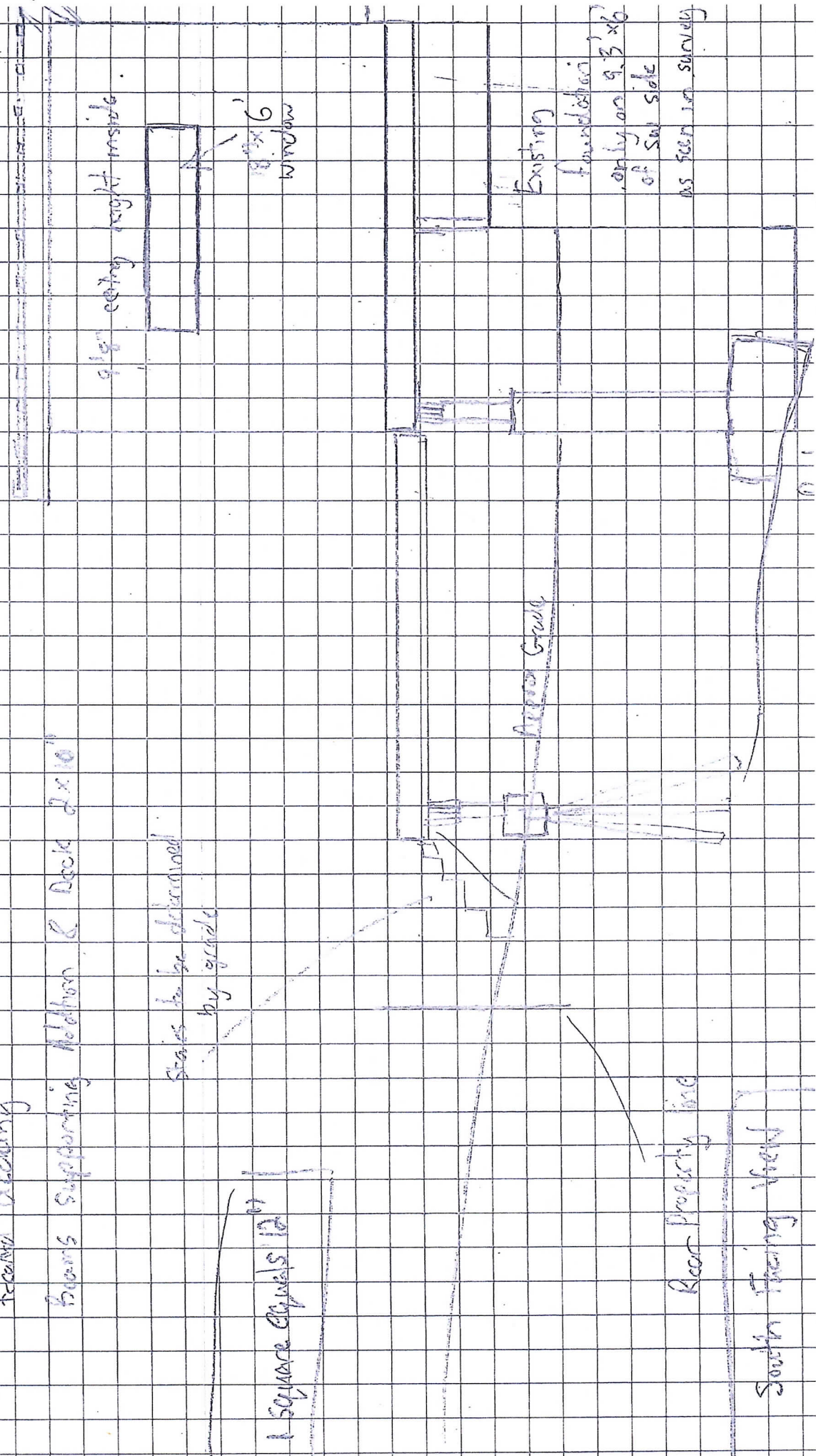
Foundation
on by an 9'3" x 6"
of SW side

as seen in survey

Access Grade

Rear Property line

South Facing View



From: Roxanne & Gord Fitzsimmons
Date: September 15, 2021 at 10:26:45 PDT
To: Lee Brain
Subject: BC Festival Grant Application

Good morning Mayor Brain,

My name is Roxanne Fitzsimmons and I sit as a director on the Jazz Production Association of BC.

Annually over the past 30 years, the JPA organizes and the BC Annual Dance Competition.

This competition brings together hundreds of youth across the north west and BC in the spirit of comradery, and entertainment to compete over our weeklong event.

The Dance competition promotes health and exercise, team work, friendship, character building and provides scholarships to participants.

Accompanying the dancers are their families and others from the studios, that travel to Prince Rupert to stay, eat and play our beautiful town.

The Covid pandemic has impacted our festival over the past two years, and as I am sure that you are aware, the BC government has implemented a recovery grant that organizations are able to apply for.

The first year our event was cancelled altogether and the second we organized a virtual event.

This year we are hoping to get back to a form of our annual event following the Provincial Health Orders.

A piece of the application is getting support from community stakeholders and members of the community.

I am hoping that you would be able to provide a letter in support of the JPA in applying for the grant.

This would be most appreciated.

Looking forward to hearing from you.

Regards,

Roxanne Fitzsimmons
Director Jazz Production Association of BC

CITY OF PRINCE RUPERT

PERMISSIVE PROPERTY TAX EXEMPTION AMENDMENT BYLAW NO. 3477, 2021

BEING A BYLAW TO AMEND PERMISSIVE PROPERTY TAX EXEMPTION
BYLAW NO. 3447, 2019

WHEREAS Section 220 of the *Community Charter* exempts certain lands and improvements from municipal taxation and the Council of the City of Prince Rupert deems that the lands and improvements described within this Bylaw to be eligible for exemption from municipal taxation as they meet the qualifications of Section 224 of the *Community Charter*;

AND WHEREAS changes have occurred since the passage of PERMISSIVE PROPERTY TAX EXEMPTION BYLAW NO. 3447, 2019

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

THAT the wording under item 2 under Section “A” of PERMISSIVE PROPERTY TAX EXEMPTION BYLAW NO. 3447, 2019 is removed and replaced with the following:

“Lands and improvements operated by the Jehovah's Witnesses: Lot 1 Plan EPP104623 District Lot 251 Land District 14, Roll 0002772.050”

AND THAT the wording under item 27 under Section “C” of PERMISSIVE PROPERTY TAX EXEMPTION BYLAW NO. 3447, 2019 is removed and replaced with the following:

“A portion equal to 37.5% of the following lands and improvements that are leased by the City from the Owner Jim Pattison Enterprises Ltd for Municipal purposes and for sub-lease to the Prince Rupert Gymnastics Association to operate a recreational facility, less the value of the land and improvements equal to 600 square feet of the leased building as shown in Schedule A – Plan of Premises: Part of Lot 1, Waterfront Block G, District Lot 251, Range 5, LD14, Plan 7176, Except Plan PRP 42647, Roll 9000246.000 and any portion of Waterlot in front of Waterfront Block G included in the lease. (Canfisco Municipal Boat Launch Facility)”

AND THAT Schedule A – “Plan of Premises” of this amendment bylaw is hereby attached to PERMISSIVE PROPERTY TAX EXEMPTION BYLAW NO. 3447, 2019 as Schedule A – “Plan of Premises”

This Bylaw may be cited as the “**PERMISSIVE PROPERTY TAX EXEMPTION AMENDMENT BYLAW NO. 3477, 2021.**”

Read a First time this ____ day of _____, 2021.

Read a Second time this day of ____ day of _____, 2021.

Read a Third time this ____ day of _____, 2021.

Notice given in accordance with Sections 94 and 227 of the *Community Charter* by way of posting in the posting locations on the 16th day of August, 2021 and by publication in the Northern View on the 26th day of August 2021 and the 2nd day of September, 2021

Finally considered and Adopted this _____ day of _____, 2021.

Attachment: Schedule A – Plan of Premises

MAYOR

CORPORATE ADMINISTRATOR

SCHEDULE A
PLAN OF PREMISES



CITY OF PRINCE RUPERT
REPORT TO COUNCIL

DATE: September 17, 2021

TO: Robert Long, City Manager

FROM: Robert Buchan

SUBJECT: Business Regulations and Licensing (Renoviction) Bylaw.

Recommendation:

It is recommended that Council consider giving first and second reading to the Business Regulations and Licensing Bylaw No. 3476.

Introduction and Background:

The Community Charter enables the City of Prince Rupert to establish business regulations which discourage landlords from evicting tenants for building renovations without making arrangements for each tenant to continue their tenancy at the same rent during and after the renovations. The province has recently amended the Residential Tenancy Act to improve protections for tenants facing possible renovictions. This bylaw complements those amendments.

The proposed *Business Regulations and Licensing (Rental Units)* Bylaw would:

- a) establish minimum standards for operating multi-family rental units within the City of Prince Rupert, and
- b) regulate evictions by landlords renovating or repairing rental properties, commonly known as “renovictions,” and establish minimum standards for rental units within the City of Prince Rupert.

Discussion:

The practice of renovictions, in which some landlords evict their tenants to perform renovations and then significantly increase the rent on those units, is becoming more commonplace in British Columbia and elsewhere in Canada. Renovictions occur when a landlord evicts tenants to perform renovations so they can increase rents beyond what is permitted by the Residential Tenancy Act. Business regulations that prohibit renovictions can help to preserve the local affordable rental housing stock.

The City of New Westminster recently won a court challenge to a bylaw it adopted in 2019, which has been credited with eliminating renovictions within the City. This means that it is lawful for other B.C. municipalities to adopt Business Regulation Bylaws which target the practice of renoviction we have adapted New Westminster’s bylaw to meet the needs of the City of Prince Rupert.

The proposed regulations require that before issuing an eviction notice for the purposes of conducting renovations, a property owner must provide tenants with:

- alternative accommodation while renovation work is being carried out, and
- a written offer to return to the renovated unit or another rental unit at the same rent as currently paid, subject to any rent increase permitted under the BC Residential Tenancy Act.
- The City can impose fines if the new rules are not followed.

The restriction on evictions for the purposes of renovations does not apply to any rental unit in a building that has been damaged by natural disaster, fire, water, smoke, insect infestation or structural failure to the point that it is unsafe for any person to occupy the building. Rental owners may also make an application to Council for an exemption which Council can consider on a case-by-case basis.

Options:

1) Proceed with first and second readings for Bylaw No. 3476. In accordance with the requirements of the B.C. *Community Charter*, administration will provide public notice of Council's intention to adopt a business regulation bylaw so that all persons who consider that they are affected by the bylaw may make representations to Council before third reading is considered.

- A copy of all pertinent correspondence received prior to consideration of third reading shall be available for public viewing.
- An advertisement shall be published in two consecutive issues of a local newspaper at least 3 days and not more than 14 days before the consideration of third reading.
- Notice will also be posted on the City's notice board.

2) Hold Bylaw No. 3476 at first reading pending the receipt of additional information.

3) Do not proceed with considering bylaw 3476

Conclusion:

Bylaw No. 3476 addresses the need for additional affordable rental housing by prohibiting renovictions, setting minimum standards for maintenance and ensuring protection of existing rental buildings.

Respectfully submitted,

Rob Buchan

CITY OF PRINCE RUPERT

BYLAW NO. 3476, 2021

A Bylaw to regulate and licence the letting of rooms for living purposes and to prescribe standards for the maintenance of residential property and rental units.

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BYLAW 3476, 2021

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PART 1 – TITLE AND INTERPRETATION

WHEREAS the Local Government Act authorizes a local government to regulate and prohibit in relation to business; and

WHEREAS the City is experiencing a serious shortage of affordable market rental residential accommodation; and

WHEREAS the shortage of rental residential accommodation in the City is being exacerbated by the eviction of residential tenants from their homes to enable building owners to renovate their buildings and increase rents; and

WHEREAS the renovation of residential buildings can usually be approached by performing renovations on a suite by suite or floor by floor basis as suites or floors become vacant in the normal course of business;

WHEREAS the Council has given notice of this bylaw to persons who consider themselves affected by the bylaw, by publishing a newspaper notice, posting a notice at the public notice posting place and providing a notice on the City's website, and has provided an opportunity to make written representations to the Council;

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of Prince Rupert in open meeting assembled ENACTS AS FOLLOWS:

1. Title

- a) This Bylaw may be cited for all purposes as "Business Regulations and Licensing (Rental Units) Bylaw No. 3476, 2021."

2. Definitions

- a) In this bylaw:

"Bathroom" means a room consisting of not less than one toilet, one wash basin and one bathtub or shower;

"Bedding" means sheets, blankets, pillows and pillow cases;

"Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons or property;

"Building Inspector" means a person designated to hold that position for the City or a person appointed to act in the place of the Building Inspector;

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

"Community kitchen" means a room not part of a dwelling unit or housekeeping unit and designed or intended for the use of the preparation of food;

"Council" means the City Council of the Corporation of the City of Prince Rupert.

BYLAW 3476, 2021

“Dwelling unit” means one or more habitable rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and a bathroom are provided for the exclusive use of such person or persons;

“Excessive nuisance abatement fees” include the following costs and expenses incurred while responding to a nuisance service call or abating nuisance conduct, activity or condition:

- I. Pro-rata cost of police and City staff salaries, including all fringe benefits;
- II. Pro-rata cost of using police, fire and City equipment and vehicles;
- III. Pro-rata administration costs incurred by the City in responding to a nuisance service call or abating a nuisance;
- IV. The pro-rata cost of police dogs assisting police officers;
- V. The cost of repairs to damaged City equipment, vehicles or property; and,
- VI. The cost of providing medical treatment for injured police officers and City officials.

“Facility for cooking” means any equipment, device or appliance used to heat or cook food, or any combination thereof, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facility.

“Housekeeping unit” means one or more habitable rooms containing therein facilities for cooking and a sink but no other sanitary facilities;

“Inspector” means the Chief License Inspector of the City appointed from time to time by Council or their designate, the senior building inspector, a bylaw officer and any public health inspector authorized by the Health Authority to assist in the administration and enforcement of this bylaw;

“Licence” means a licence issued under this bylaw unless otherwise described.

“Owner”

“Person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“Rental unit” means living accommodation rented or intended to be rented to a tenant;

“Repair” includes replacing, making additions or alterations or taking action required for the residential property to conform to the standards prescribed by this bylaw;

“Residential property” means:

- I. A building, or related group of buildings, in which one or more rental units or common areas are located;

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- II. The parcel or parcels on which the building, related group of buildings or common areas are located;
- III. The rental unit and common areas; or,
- IV. Any other structure located on the parcel or parcels.

“Sanitary facilities” means any toilet and toilet tank, urinal, bathtub, shower or hand basin;

“Single detached dwelling unit” means a Single-Family Dwelling or Two-Family Dwelling as defined in the City of Prince Rupert Zoning Bylaw No. 3462, as amended from time to time.

“Sleeping unit” means one or more habitable rooms equipped to be used for sleeping and sitting purposes only;

“Tenancy agreement” means an agreement, whether written or oral, express or implied, between a landlord and tenant respecting possession of a rental unit, for use of common areas and services and facilities, and includes a licence to occupy a rental unit;

“tenant” means a person or persons who have the right of exclusive possession of a rental unit and includes:

- I. The estate of a deceased tenant; and,
 - II. When the context requires, a former or prospective tenant.
- b) Unless otherwise defined or the context otherwise requires, all words and phrases in this bylaw shall be construed in accordance with the meaning assigned to them by the Community Charter, the Local Government Act and the Interpretation Act, as the context and circumstances may require.
- c) A reference to a statute or regulation in this bylaw refers to an enactment of British Columbia unless otherwise indicated, and any reference to a statute, regulation, code or bylaw refers to that enactment as amended or replaced from time to time.

3. Application of The Bylaw

- a) This bylaw applies to all owners of residential rental property in the City except as otherwise stated.

PART 2 – ADMINISTRATION AND ENFORCEMENT

4. Administration

- a) The Inspector is authorized to administer and enforce this bylaw.

5. Right of Entry

- a) For the purposes of ensuring compliance with this bylaw or any order made under this bylaw, the Inspector and Building Inspector are authorized to enter, at all reasonable times, on residential property that is subject to this bylaw to ascertain whether the requirements of this bylaw are met. Where entering residential property, the Building Inspector or Inspector will show proper identification and will notify the owner or occupant of the purpose of the entry.

6. Compliance Orders

- a) If the Inspector is of the opinion that there is a contravention of this bylaw or an order made under this bylaw or that a rental unit or residential property does not conform to the minimum maintenance standards prescribed by this bylaw, the Inspector may issue an order requiring that the owner bring the residential property or rental unit into compliance with the provisions of this bylaw within the time specified in the notice.
- b) Service of the order referred to in paragraph 6(1) is deemed sufficient if the notice:
 - i. In the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the owner shown on the then current year's real property assessment roll for the residential property for which the order is issued; and,
 - ii. In the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by registered mail to the registered office of the corporation.
- c) A person must not:
 - i. fail to comply with a compliance order issued by the Inspector under this bylaw; or
 - ii. obstruct or hinder the Inspector or Building Inspector acting under authority of this bylaw.

7. Severability

- a) In the event that any portion of this bylaw is declared to be ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to that extent and the remainder of the bylaw shall continue in force and effect.

8. Compliance with Other Statues and Bylaws

- a) This bylaw is not intended to relieve any person from complying with any other statute, regulation or bylaw relating to building construction and repair, fire safety or public health.

9. Offence and Penalty

- a) Every person who contravenes or violates any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this bylaw, commits an offence and, where the offence is a continuing one, each day the offence continues shall be a separate offence.
- b) A person found guilty of committing an offence under this bylaw is liable:
 - i. if a ticket is issued under the *City of Prince Rupert Ticket Information Bylaw No. 2783, 1992*, to pay a maximum fine established under that Bylaw;
 - ii. if proceedings are brought under the *Offence Act*, to pay a minimum fine of \$2,000 and a maximum fine of \$50,000

PART 3 – REGULATION AND LICENSING OF RENTAL UNITS

10. Exemption

This Part does not apply to a single detached dwelling unit.

11. Licence Required

Unless exempted under paragraph 10, no person shall rent or have available for rental any rental unit unless:

- a) An application for a licence has been made to the Inspector on a form approved by the Inspector;
- b) The licence fee prescribed in Appendix B, has been paid; and,
- c) A license under this bylaw has been issued by the Inspector.

12. Application Process

Every application for a licence shall be signed by the applicant and shall contain the following information relating to each rental unit for which application is made:

- a) The street address;
- b) The number of rooms;
- c) A full description of the rental unit; and,

- d) Other information as may be required by the inspector.

13. Posting of Licence

- a) Every person issued a licence under this bylaw shall post a copy of the license in a conspicuous place on every residential property in respect of which it is issued.

14. Term of Licence

- a) Every licence under this bylaw shall be issued annually so as to take effect on the first day of January and to terminate on the 31st day of December in each year.

15. Transfer of Licence

- a) Any person wishing to transfer a license, or part interest in a license, shall make an application in every respect the same as that required to obtain an initial license, and the powers, conditions, requirements, fees and procedures relating to the granting and refusal of a licence and appeals therefrom, shall apply to such transfer application.

16. Licensing Authority: Granting, Refusal and Suspension of Licences

- a) Words defining the responsibilities and authority of the Inspector shall be construed to be an internal administrative direction and not as creating a duty.
- b) The Chief Licence Inspector of the City or a person appointed as their deputy may grant, refuse, renew or suspend a licence, and impose terms and conditions upon the granting of a licence or reinstatement of a suspended licence in accordance with this Part.
- c) The Inspector may grant a Business Licence if the Inspector is satisfied that the applicant has fulfilled the requirements of this bylaw and that all Licence fees, and any outstanding fees or fines owed to the City in relation to the Business, or any other Business operated by the same applicant, have been paid.
- d) The Chief License Inspector may, by written notice, refuse to issue a Licence, or may suspend a licence that has been issued, if the Inspector considers the applicant or licence holder, as applicable, has not complied with this or another applicable bylaw of the City or enactment of the Province or Canada, or for another reasonable cause stated in the notice.
 - i. In the event of a refusal, the applicant may, within 10 business days of the Inspector's decision, contact the Corporate Officer of the City to arrange for reconsideration by Council and provide reasons in writing as to why the applicant believes the refusal is unreasonable.
 - ii. In refusing an application for a licence, the Inspector will advise applicants of their right to reconsideration by Council within the time period set out in subparagraph i. .

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- e) On issuing a notice of suspension under paragraph (d), the inspector will allow at least 2 business days for the licence holder to contact the City's Licensing (Building) Department to propose potential solutions before the intent to issue a suspension is acted upon.

- f) A notice of suspension of a licence is deemed to be delivered if sent by the Chief License (Building) Inspector:
 - i. by delivery through Canada Post, on the 4th business day after it is mailed;
 - ii. by email to the email address provided on the licence application, on the first business day after it is sent;
 - iii. by personal delivery or by courier by 3 p.m. to the registered or records office of the applicant, or to the office address provided on the licence application, on that day; or
 - i. if the Inspector or Building Inspector has posted the notice by 12 noon at the premises for which the licence was issued, on that day. A person must not remove, cover or alter any such posted notice until the licence is reinstated or the business ceases to occupy the premises.

- g) On receiving a request for reconsideration of a decision of the Chief License Inspector to refuse or suspend a licence, the Corporate Officer for the City will arrange for the applicant or license holder, as applicable, to have an opportunity to be heard by Council at the next available meeting of Council. Submissions heard by Council may be in writing or in person, as arranged in advance with the Corporate Officer. In addition to notice and reasons of the Chief License Official in relation to the decision to refuse or suspend, and submissions from the applicant or licence holder, Council may consider any other source of information it considers relevant to the matter; and following reconsideration, may confirm, modify or cancel the decision of the Chief License Inspector, and without limitation may impose terms and conditions on issuance or reinstatement of a licence to ensure compliance with this bylaw and other applicable enactments.

PART 4 – MINIMUM MAINTENANCE STANDARDS

17. Application

- a) This Part applies to all residential properties and rental units in the City.

18. Owner's Duties and Obligations

- a) Every owner of a rental unit or residential premises must comply with this bylaw and must not use, permit the use of, rent or offer to rent any rental unit that does not conform to the minimum maintenance standards prescribed in this bylaw.

19. Pest Control

- a) All rental units and residential properties shall be kept free of mice, rats, bed bugs, cockroaches and other vermin and from conditions which may encourage infestations of pests.

20. Garbage, Debris Storage and Disposal

- a) Garbage bags containing garbage shall be stored only within an enclosed garage or in a covered garbage receptacle.
- b) Every residential property shall be provided with a garbage storage facility or a sufficient number of suitable receptacles that are readily accessible to all occupants so as to contain all garbage, debris and waste.
- c) Every receptacle for garbage shall be water tight, provided with a tightfitting cover, rodent and pest proof and maintained in a clean and tidy state.
- d) Every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and cleaned as often as is necessary to maintain a clean and odour free condition.
- e) The site set aside for the temporary storage and disposal of garbage and refuse shall be kept in a litter-free and odour-free condition, maintained in a manner that will not attract pests, create a health or other hazard, or obstruct an emergency route.

21. Structural Integrity

- a) Buildings and their structural components, including, but not limited to, roofs, stairs, railings, porches, deck joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in good repair and in a manner that provides sufficient structural integrity so as to safely sustain its own weight and any additional loads and influences to which it may be subjected through normal use.

22. Foundations

- a) Foundation walls and other supporting members shall be maintained in good repair so as to control and protect against the entrance of moisture.

23. Exterior Walls

- a) Exterior walls and their components shall provide adequate protection from the weather and shall be maintained;
 - i. In good repair;
 - ii. Weather tight;

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- iii. Free from loose or unsecured objects and materials; and,
 - iv. In a manner so as to prevent or retard deterioration due to weather or infestations.
- b) Canopies, marquees, awnings, screens, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained in good repair, properly and safely anchored and protected against deterioration and decay.
 - c) Exterior wall facings, projections, cornices and decorative features shall be maintained in good repair, safely and properly anchored.
 - d) Mechanical ventilating systems and their supporting members shall be maintained in good repair and in a safe mechanical condition.

24. Doors, Windows and Ventilation

- a) Exterior doors, and windows, skylights, and hatchways shall be maintained in good repair and weather tight.
- b) Openings in exterior walls, other than doors and windows, shall be effectively protected to prevent the entry of rodents, insects or vermin.
- c) Latching and locking devices shall be provided on separate entrances to every rental unit and shall be maintained in good working order. Latching and locking devices shall be provided on windows in every Rental Unit and shall be maintained in good working order.
- d) Every sleeping unit, housekeeping unit and dwelling unit shall be provided with a means of ventilation and natural light from windows and maintained in good operating condition.
- e) All systems of ventilation, mechanical or natural, shall be maintained in good working order.
- f) All rooms with sanitary facilities shall be provided with a window or ventilation system which shall be maintained in good operating condition.

25. Roofing

- a) The roof, including the flashing, fascia, soffit, and cornice shall be maintained in a weather-tight condition so as to prevent leakage of water into the rental units and common areas of a residential property.

26. Stairs, Balconies and Porches

Stairways, balconies or porches and landings shall be maintained;

- a) In a safe and clean condition;

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- b) In good repair, and,
- c) Free from holes, cracks, excessive wear and warping, and hazardous obstructions.

27. Basements

- a) Basement floor drains shall be maintained in good condition.
- b) Floors in a basement shall be kept dry and free from major cracks, breaks or similar conditions which would create an accident hazard or allow the entrance of water into the basement.

28. Floors

- a) Floors shall be maintained in a clean condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which may create health, fire or accident hazards.
- b) Where floors are covered, the covering shall be maintained in a safe condition.
- c) Shower room floors, toilet room and bathroom floors shall be covered with smooth moisture resistant floor finishes, and in such condition as to permit easy cleaning.

29. Walls and Ceilings

- a) Interior walls and ceilings shall be maintained in a clean condition, in good repair and free from holes, or loose or broken plaster that may create health, fire or accident hazards.

30. Plumbing and Plumbing Fixtures

- a) All plumbing, including plumbing fixtures, drains, vents, water pipes, toilets and toilet tanks and connecting lines to the water and sewer system, shall be maintained in good working order and repair, free from leaks or other defects and protected from freezing.
- b) Every hand basin and bathtub, shower and sink shall have an adequate supply of hot and cold running water and every toilet and toilet tank shall have an adequate supply of running water. Hot water shall be supplied at minimum temperature of 45 C (113 F).

31. Gas Appliances and Systems

- a) All gas systems and appliances shall be maintained in safe working order and repair.
- b) All systems of appliance venting shall be maintained in safe working order so as to prevent the creation of a health, fire or accident hazard.

32. Heating Systems

- a) Heating equipment shall be maintained in a safe and good working condition so as to be capable of safely attaining and maintaining an adequate temperature standard free from fire and accident hazards, and, in all rental units, capable of maintaining every room at a temperature of 22 C (72 F) measured at a point 1.5 meters (5 feet) from the floor and in the centre of the room. The heating equipment shall be turned on in order to maintain the required temperature upon the request of any occupant of a rental unit.
- b) Auxiliary heaters or cooking facilities shall not be used as a permanent source of heat.

33. Electrical System and Lighting

- a) Electrical wiring and lighting equipment, including circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order.
- b) Adequate levels of artificial lighting shall be maintained in good working order in all rental units and in common areas in residential properties.

34. Interior Fire and Health Safety Hazards

- a) Walls, floors and roof constructions, including fire protective closures, sprinkler systems, including fire alarm, and detection systems and other means of fire protection, shall be maintained so that they continue to provide the fire resistive properties and protection for which they were designed.

35. Laundry Facilities

- a) Laundry rooms shall be maintained in a clean and sanitary condition and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.

36. Elevators

- a) Every elevator in a residential property shall be maintained in a safe, clean condition and certified to be in good working order and in compliance with the *Elevating Devices Safety Act* and regulations thereto.
- b) All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans, shall be kept in good repair and operational.

37. Parking or Storage Garages

- a) No machinery, boats, vehicles, trailers or parts of them that are in a wrecked, discarded, dismantled, inoperative or abandoned condition, or junk or rubbish or discarded furniture shall be kept or allowed to remain in a parking garage or parking area.

38. Maintenance of Services and Utilities

- a) No owner or anyone acting on the owner's behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any rental unit occupied by a tenant, except for such reasonable period of time as may be required for the purpose of repairing, replacing, or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.
- b) Any person liable for any service or utility rates shall be deemed to have caused the disconnection, shutting off, removal or discontinuance of the service or utility if the person fails to pay the rates and, as a result of the non-payment, the service or utility is no longer provided.

39. Room Sizes and Ceiling Heights

- a) The minimum floor area of a sleeping unit shall be 10 square meters with the room having a minimum dimension of 2 meters on one side.
- b) The minimum floor area for housekeeping unit shall be 14 square meters.
- c) The minimum floor area for each occupant of a sleeping unit or housekeeping unit shall be 5 square meters.
- d) The minimum floor area of a room in a dwelling unit used by one person for sleeping purposes shall be 6 square meters.
- e) The minimum floor area of a room in a dwelling unit used by more than one person shall be 4 square meters for each person using the room.
- f) Any floor area under a ceiling that is less than 1.4 meters in height shall not be counted in calculating the required minimum floor area of a room used for sleeping pursuant to this bylaw.

40. Food Storage and Cooking Facilities

- a) No person shall store or permit the storage of perishable foods or provide or permit a facility for cooking in a sleeping unit.
- b) No one shall prepare food or permit the preparation of food in a sleeping unit.
- c) A community kitchen equipped with a sink that is installed in a counter having a backsplash and drain board made of materials impervious to water, mechanical refrigeration in the proportion of .0566 cubic meters (2 cubic feet) for each occupant, and a facility for cooking shall be provided within any rental unit with sleeping units. The community kitchen must be accessible from a common entrance and be maintained in good repair and in a clean condition.
- d) All housekeeping units and dwelling units shall include a kitchen area equipped with a sink that is installed in a counter having a backsplash and drain board made of materials impervious to

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water, a refrigerator and a facility for cooking. The kitchen area must be maintained in good repair and in a clean condition.

41. Sanitary Facilities

- a) At least one hand basin and one toilet shall be provided and maintained in proper operating condition for every 5 sleeping units or housekeeping units in a residential property. These facilities shall be provided in a room or rooms that are accessible from a common area within the building.
- b) At least one bathtub or shower shall be provided and maintained in proper operating condition for every 10 sleeping units or housekeeping units in a residential property. These facilities shall be provided in a room or rooms that are accessible from a common area within the building.
- c) At least one bathtub or shower, toilet, and hand basin shall be provided and maintained in proper operating condition in each dwelling unit.
- d) The floors and enclosures around showers shall be finished with a smooth finish that is impervious to moisture. All walls and ceilings in rooms containing sanitary facilities shall be finished with a smooth lightcoloured washable surface. All rooms containing sanitary facilities shall be maintained in good repair, free of mold and in a clean condition.

PART 5 – BUILDING RENOVATIONS

42. Interpretation

In this Part:

“**Landlord**” has the same meanings as defined in the *Residential Tenancy Act*.

43. Application

- a) This part does not apply to any rental unit in a building that has been determined by an architect or professional engineer or any governmental authority having jurisdiction, including the local assistant to the fire commissioner, to have been damaged by natural disaster, fire, water, smoke, insect infestation or structural failure to the point that it is unsafe for any person to occupy the building, if the determination of the architect, engineer or governmental authority is made in writing and a copy has been delivered to the Inspector; or,
- b) Any rental unit in a building in respect of which the Council has authorized an exemption under section 45.

44. Restriction on Evictions

- a) No owner shall deliver to any tenant a notice of termination of their tenancy of a rental unit in order to renovate or repair the rental unit, or having delivered such a notice prior to the

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enactment of this section 44(a), require the tenant to vacate their rental unit pursuant to the notice, unless the owner has obtained every building permit, plumbing permit, development permit, special development permit or heritage alteration permit required by any City bylaw, and any other permit or approval required to authorize the renovation or repair, and has either:

- i. entered into a new tenancy agreement with the tenant on the same terms as the tenancy agreement pertaining to the rental unit being renovated or repaired, or terms that are more favourable to the tenant, in respect of a comparable rental unit in the same building, and provided a copy of the agreement to the Inspector; or
 - ii. made other arrangements in writing for the tenant's temporary accommodation during the renovation or repair, and for their return to their original rental unit under the terms of the existing tenancy agreement following completion of the renovation or repair, and provided to the Inspector satisfactory documentation of the arrangements including evidence of the tenant's consent to the arrangements.
- b) An owner who has failed to comply with paragraph (a) must not continue to fail to enter into a new tenancy agreement as described in subparagraph (a)(i) or fail to make other arrangements for the tenant's temporary accommodation and return to their original rental unit as described in subparagraph (a)(ii).
- c) For the purposes of subparagraph (a)(i),
- i. a rental unit in another building that is located on the same parcel as the building that is being renovated or repaired and owned by the same owner is deemed to be a rental unit in the same building;
 - ii. a rental unit is comparable to a rental unit that is being renovated or repaired if it has the same or a greater number of bedrooms and complies with the maintenance standards in Section 32 of the Residential Tenancy Act and Part 4 of this bylaw, and the rent for the unit is equal to or less than the rent for the rental unit that is being renovated or repaired; and,
 - iii. the new tenancy agreement may either transfer the tenant's tenancy permanently to the other rental unit, or entitle the tenant to occupy the other rental unit temporarily during the course of the renovation or repair and return to their original rental unit following completion of the renovation or repair.
- d) No owner shall, having renovated or repaired a rental unit as permitted by subsection (a)(ii), increase the rent payable by the tenant upon their return to their rental unit, except as an "additional rent increase" approved under Part 3 of the *Residential Tenancy Act*.
- e) The Inspector may require any owner to provide, prior to obtaining a business licence or business licence renewal under this bylaw, a statutory declaration that states the rent payable in

respect of any rental unit prior to and following renovation or repair work that required the tenant of the rental unit to vacate the unit. If the rent was increased, the declaration must include a copy of the director's approval of the rent increase under Part 3 of the *Residential Tenancy Act*.

- f) The Inspector may issue or renew a business licence under this bylaw to an owner who has applied for an additional rent increase related to renovation or repair under Part 3 of the *Residential Tenancy Act* if the director has not yet decided the rent increase application. In doing so, the Inspector may indicate on the licence that a surcharge may become payable under subsection (g) if the additional rent increase is not allowed but the rent for the rental unit in question exceeds the rent that is allowed without the additional rent increase.
- g) The Inspector may levy a monthly business licence surcharge on any owner who contravenes subsection (d), in the amount that is the difference between the rent permitted by that subsection and the rent that the owner's tenant is paying in respect of the rental unit that has been renovated or repaired, and may refuse to renew the business licence of any owner who, being subject to such a surcharge, has not paid the surcharge by the date on which the licence renewal is required.

45. Application for Exemption

- a) An owner is exempt from section 44 if, in respect of a rental unit or residential property, an order has under section 49.2 (3) of the *Residential Tenancy Act* has been granted in respect of the rental unit or residential property.

PART 6 – EFFECTIVE DATE

46. Effective Date

- a) This bylaw shall come into effect upon its adoption.

APPENDIX "A"

LICENCE FEES

1. Rental Accommodation Fee \$16.73 (per room)

CITY OF PRINCE RUPERT
REPORT TO COUNCIL

DATE: September 15, 2021

TO: Robert Long, City Manager

FROM: Rob Buchan

SUBJECT: Rezoning Application **ZBLA 21-01** (Amendment Bylaw No. 3478, 2021) for the property legally described as “LOTS A & B, DISTRICT LOT 1992 RANGE 5 COAST DISTRICT PLAN 8304”.

RECOMMENDATION:

THAT Council:

- 1) **GIVE** First and Second Reading to City of Prince Rupert Zoning Bylaw No. 3462, 2021, Amendment Bylaw No. 3478, 2021.
- 2) **PROCEED** to the Public Hearing for Amendment Bylaw No. 3478, 2021.
- 3) **REQUIRE** the applicant to consolidate the lots prior to final reading.

REASON FOR REPORT:

The purpose of the proposed Amendment Bylaw is to rezone the subject property from Two-Family Residential (R2) to Multi-Family Residential (RM2) to allow the operation of an existing fourplex.

BACKGROUND:

The proposal is to increase the permitted density for the property located at 712 & 714 McKay Street. This proposal is not anticipated to negatively impact the neighbourhood. The proposed use will not increase the building size or exterior envelope. The property is only zoned to permit a duplex; however, it is currently used as an unauthorized fourplex. The rezoning will legalize the existing four-plex.

The building has two floors with two suites per floor. The site provides room for additional parking. Each suite has two or three bedrooms, a kitchen space, and washroom.

POLICY/REGULATORY ANALYSIS:

Official Community Plan Bylaw #3460:

The subject property is designated as Residential. The OCP states that residential housing of all types is needed with the anticipated community growth. With this in mind, the proposal is in conformity with the City of Prince Rupert’s Official Community Plan.

Zoning Bylaw #3462:

The RM2 Zone permits Multiple Family Dwellings at a Density of 75 units per hectare with a maximum building height of 13 metres. The neighborhood is comprised of R2 and RM1 properties, and the two neighbouring properties are zoned R2. This proposed rezoning is

compatible with the surrounding neighbourhood and will only result in a minor increase to the property's permitted density.

OTHER CONSIDERATIONS:

Public Input:

The applicant has distributed a letter to the neighbourhood informing residents of the proposed rezoning and has prepared the necessary signage.

Referrals:

Internal referrals have not indicated any concern with the proposed rezoning. Operations advised that a lot consolidation plan should be secured prior to the fourth reading of the bylaw.

CONCLUSION:

Because the proposed rezoning represents a small increase in the permitted density it is recommended that Council give first and second reading to the bylaw and proceed to the public hearing.

Report Prepared By

Robert Buchan,
City Planner

CITY OF PRINCE RUPERT

ZONING AMENDMENT BYLAW No. 3478, 2021

A BYLAW TO AMEND THE CITY OF PRINCE RUPERT ZONING
BYLAW NO. 3462, 2020

The Council of the City of Prince Rupert in an open meeting assembled, enacts as follows:

That the City of Prince Rupert Zoning Bylaw No. 3462, 2020 be amended as follows:

1. That the zoning designation on the Zoning Map Schedule B for Lots A and B, DL 1992, Range 5, Coast District Plan 8304 be changed from R2 – Two Family Residential Zone to RM2 – Multiple Family Residential as shown on Schedule A attached hereto and forming a part of this Zoning Amendment Bylaw No. 3478, 2021; and,
2. This Bylaw may be cited as “Zoning Amendment Bylaw No. 3478, 2021”

Read a First time this ____ day of _____, 2021.

Read a Second time this ____ day of _____, 2021.

Public Hearing this ____ day of _____, 2021.

Read a Third time this ____ day of _____, 2021.

Approved by the Ministry of Transportation and Infrastructure this ____ day of _____, 2021.

Final Consideration and Adopted this ____ day of _____, 2021.

MAYOR

CORPORATE ADMINISTRATOR

CITY OF PRINCE RUPERT
REPORT TO COUNCIL

DATE: September 15, 2021

TO: Robert Long, City Manager

FROM: Robert Buchan

SUBJECT: Rezoning Application ZBLA-20-02.

(Bylaw No. 3475, 2021) for the property legally described as “Lots 9 – 14, 26 – 49, Block 31, Lots 1 -4, 23 – 42, and closed road plan EPP104087, Section 8, DL 251, R5, Plan 923.

RECOMMENDATION:

THAT Council proceed to Public Hearing.

REASON FOR REPORT:

To address questions raised at the Public Hearing held on August 23, 2021, for Bylaw 3475.

BACKGROUND:

The Lax Kw’alaams WAAP Housing Society has applied to rezone the above-noted properties from the current R2 zone to RM2 Multifamily. The applicant proposes to develop 70 affordable homes to serve the Lax Kw’alaams community. The development would include a diverse mix of accessible studio units and 1-3 bedroom adaptable units. This would include 12 housing units dedicated for seniors housing.

During the Public Hearing, a number of questions were asked. Council resolved at the close of the meeting to request a report from staff that addresses the questions.

RESPONSES TO QUESTIONS:

This report responds to Council’s direction for a report addressing the public’s questions.

Traffic:

The issue that most of the public comments and questions appeared to focus on was traffic safety. A traffic impact study (TIS) was completed by McElhanney Engineering in May of 2021, and this study identified a number of pre-existing traffic issues and some impacts that would result from this proposed development. The pre-existing issues, like the level of service at the 11th Ave and Highway 16 intersection, are the responsibility of the City, and staff will be addressing these in their future transportation work plans. The 11th Ave/Hwy 16 intersection is a

known concern to the City and the Ministry of Transportation and Infrastructure, and we are collectively working toward a comprehensive solution.

For the impacts created by the development, the TIS made a number of recommendations and the proponent has agreed to address these as follows:

- 1) Install a stop sign at the point of access.
- 2) Install non-parking signs as recommended.
- 3) Develop and implement a traffic management procedure for the construction phase.
- 4) Install a sidewalk east of 11th avenue along the property frontage.
- 5) Restrict 12 units to seniors housing to reduce parking demand and to provide 3 on-street parking stalls.
- 6) Provide secure, sheltered bike parking near the front access.

In addition to this agreement, the proponent and staff have discussed an additional measure to address the concerns of speeding and site lines at the intersections of the development site and Edward Street with 11th Avenue. Even though the TIS concluded that the level of service was not a problem at this intersection, it has been agreed that the property owner would pay for the construction of curb extensions and cross walk at this location which would encourage lower speeds and improve site lines and pedestrian safety. This feature would be constructed by the City through a Local Service Area initiative and paid back through an annual charge on the property. The design for this feature is included in the attached Sept 14, 2021 report from McElhanney which serves as an addendum to its May 2021.

Environmental:

There was some discussion about the potential impact of the development on the adjacent streams. The proponent engaged a Registered Professional Biologist to assess the riparian (stream side) environment and to establish the appropriate leave strips to ensure the ongoing environmental health of the stream. The development footprint was adjusted to ensure there will be no impact in the leave strip area. Part of the property is also designated in the new OCP as an environmental Development Permit area. Consequently, no development will be allowed until the City has issued a Development Permit. This permit will establish the leave strip areas identified by the biologist as no disturbance areas.

Servicing:

Questions were asked about how the property will be serviced. It will be serviced with City water from a supply main and will connect by gravity to the City's sanitary sewer system.

Taxes:

One person asked about what the taxes will be. Until the BC Assessment office has valued the completed building, we will not be able to provide an estimate of the increase in property taxes. However, as a general rule, multifamily development results in greater values for assessment than does single-family development. Consequently, the City can anticipate more taxes that it currently receives from the land and more than it would if it were developed as single-family homes.

Tree Barrier:

A resident across 11th Ave asked if there would be a tree barrier left between them and the development site. While the trees on the development site will be removed (except for the leave strip area), there will still be trees on the lots situated between the proposed building and 11th Avenue. However, these trees are on privately owned lots, so there is no assurance that they will remain. Should these lots be developed in the future, the new homes on those lots would also screen some of the views of the proposed housing development.

Waste and Recycling Management:

Another resident asked about waste and recycling. This is proposed to be managed with waste and recycling containers located in enclosures adjacent to the building and driveway. A turnaround area is provided for service vehicles to access the enclosures.

Suitability of Location:

There were several questions regarding why this site was selected for the development and the suitability of the location. Suitability is a function of several considerations including: designated land use in the OCP, availability of services, access, environmental conditions, financial constraints, and end-user needs.

This property has been designated for residential development in the current and preceding OCPs. In other words, the City's plan calls for development at this location. The OCP states:

“Lands designated as General Residential (detached, townhouse, or apartment)...allow residential uses. While the determination of density and form shall be determined by Council during rezoning processes, the residential areas outside of the Downtown shall be principally characterized by detached residential uses along with some well designed, integrated and scaled multifamily forms of housing that blend into neighbourhoods.”

The proponent has used the site to place a tall building at the bottom of a slope in a way that reduces building scale and perceived height from 11th Avenue. Existing trees and possible future development of the lots between the proposed building and 11th Ave would also serve to reduce the impact of building height and scale.

Road, water, sewer and hydro services are available to the site.

Access has been verified as suitable and safe by a traffic engineer (McElhanney TIS) subject to recommended improvements being provided (see attached report).

There is a suitable building footprint outside of the environmentally sensitive riparian zone within which the building and driveways can be constructed.

The proponent for this development is being funded by B.C. Housing and to successfully qualify for funding, it is helpful to have land contributed by the host local government. The City of Prince Rupert offered this site to the proponent to assist in the qualification process. This greatly increases the prospect of receiving funding for housing projects.

In addition to locational suitability, new developments must comply with building regulations, and these include having an adequate foundation. It is a requirement that any new building be built on stable ground and, where necessary, this is achieved with structural fill that is certified by a professional engineer when the native ground is not sufficiently stable. Council and the community can be assured that the building will be built on ground that is suitable.

Given these considerations, Council can view this as a suitable site.

CONCLUSION:

It is recommended that Council proceed back to public hearing.

Report Prepared By

Robert Buchan,
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TECHNICAL MEMO

To

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Re

Curb Extensions on 11th Ave E, Prince Rupert

Date

September 14, 2021

As requested, we have prepared this technical memorandum to describe the proposed design of the curb extensions on 11th Avenue East in Prince Rupert, BC, and explain the reasons for this recommendation.

1. Background

Lax Kw'alaams WAAP Housing Society (Lax Kw'alaams) and BC Housing are planning to construct a new apartment building on 11th Avenue East, opposite the Edward Street intersection, in Prince Rupert, BC (Figure 1). The building would have six stories, with a total of 70 dwelling units. This development is intended to address an existing housing shortage in the local First Nations community, whom will be given first priority for these apartments.

To evaluate the potential traffic and safety impacts caused by the new development, the City of Prince Rupert and Ministry of Transportation and Infrastructure (MoTI) requested a detailed Traffic Impact Study. As part of this study, a “virtual” open house was hosted online on Thursday, April 8, 2021 to invite the local residents to provide their questions and concerns on the proposed development. The following issues were raised at the open house:

- There is a lot of traffic on 11th Avenue East, including speeding vehicles and heavy trucks. Extra traffic from the apartments is expected to make the situation worse.
- Vehicles turning from Edward Street onto 11th Avenue experience congestion and delays.
- Sight lines looking north from Edward Street are limited, which causes safety issues.
- 11th Avenue East is a transit route, and the development will generate more pedestrian traffic.
- The site will increase the demand for more on-street parking.



Figure 1: Proposed Apartment Building, 11th Avenue East

The Traffic Impact Study evaluated these issues in the context of the technical analysis, which included detailed traffic analysis for the existing street traffic (based on recent traffic counts adjusted for the effects of COVID19) and the estimated site traffic. The study was delivered in May 2021 with the following findings:

1. The existing traffic volumes on 11th Avenue East (pre-pandemic) are in the order of 300 vehicles per hour. The proposed apartment building is estimated to add another ~40 vehicles (inbound and outbound) to the peak hours. This should not significantly affect the operation of 11th Avenue East and the intersection at Edward Street. According to the analysis, the average peak hour vehicle delays are estimated to be approximately 10 seconds, even after 15 years of city growth.
2. The existing sight lines looking north from Edward Street are limited by the presence of a concrete retaining wall in the northwest corner of the intersection. While this would not be affected by the new traffic from the proposed apartments, the situation could be improved with curb extensions. These curb extensions would also help reduce traffic speeds on 11th Avenue by traffic calming.
3. With a bus stop on the west side of 11th Avenue East and potential transit users in the new apartments, a crosswalk at the Edward Street intersection is recommended. If installed with the curb extensions discussed above, the pedestrians would have improved safety from the decreased crossing distance.
4. Pedestrians would also benefit from the construction of a sidewalk along the east side of 11th Avenue East, which would connect between the potential on-street parking and the proposed crosswalk at Edward Street.

2. Proposed Curb Extensions

In addition to the proposed new sidewalk along the property frontage on the east side of 11th Avenue East, curb extensions would significantly improve the safety at the Edward Street intersection (as described above). The curb extensions would simply be wider sidewalk bulbs on all four corners of the intersection, as shown in Figure 2.

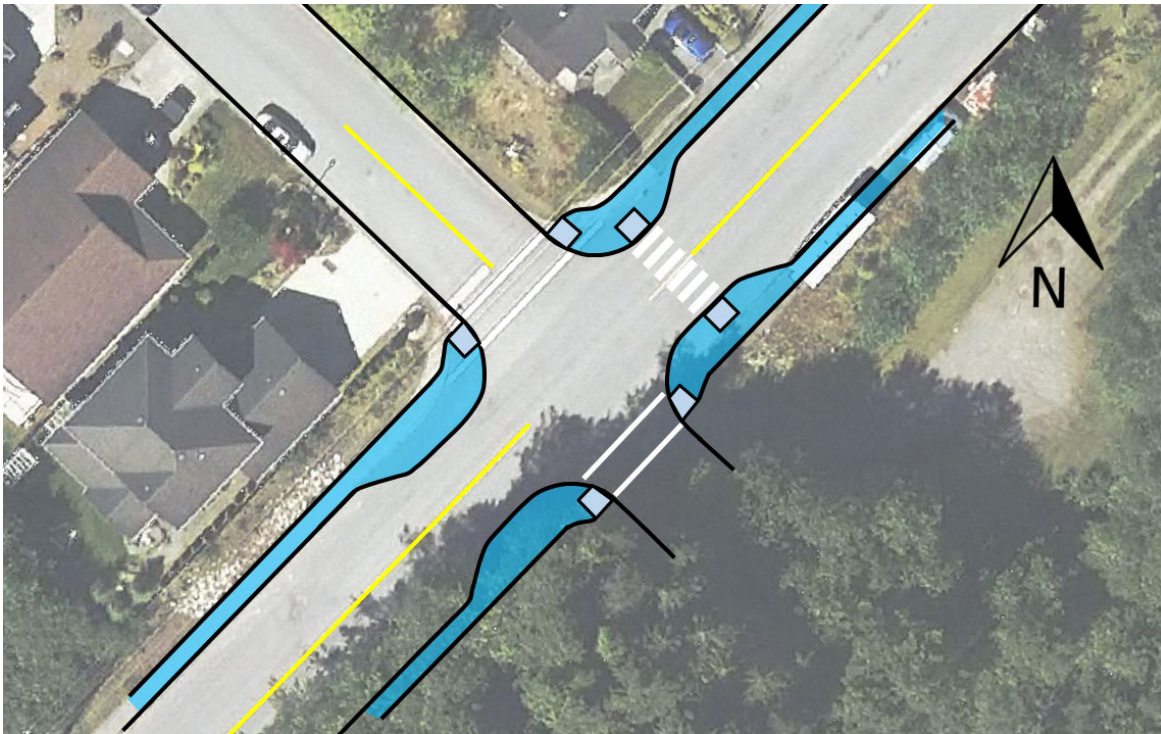


Figure 2: Conceptual Design for Curb Extensions on 11th Avenue East

The curb extensions would leave sufficient road width for two-way vehicle and bicycle traffic on 11th Avenue East, as well as all turning movements at the Edward Street intersection. However, the curb extensions would provide the following benefits:

1. The narrowed road width would have a “calming” effect on traffic, thereby reducing speeds on 11th Avenue East.
2. Sight lines would be improved looking north from Edward Street.
3. Pedestrian safety would be improved by increasing visibility and decreasing crossing distance.
4. The bulbs would keep on-street parking further back from the intersection.
5. The curb extensions provide space for ramps at the crosswalk to improve accessibility.

For these reasons, the curb extensions are recommended as part of the proposed development.

3. Closure

This Technical Memo for the 11th Avenue Curb Extensions has been prepared by McElhanney Ltd. (McElhanney) for the benefit of the Lax Kw'alaams First Nation and the City of Prince Rupert. The information and data contained herein represent McElhanney's best professional judgment in light of the knowledge and information available to McElhanney at the time of preparation.

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Yours truly,

McElhanney Ltd.

Reviewed by:



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Sr. Transportation Engineer



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Project Engineer

