



City of Prince Rupert

AGENDA - Amended

For the **REGULAR MEETING** of Council to be held on January 24, 2022 at 7:00 pm in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

1. CALL TO ORDER

2. ADOPTION OF AGENDA

Recommendation:

- a) THAT the Agenda for the Regular Council Meeting of January 24, 2022 be adopted as presented **and amended by replacing item 5.a).**

3. MINUTES

a) Recommendation:

THAT the Minutes of the Special Council Meeting of January 10, 2022 be adopted.
(attached)

b) Recommendation:

THAT the Minutes of the Public Hearing Meeting of January 10, 2022 be adopted.
(attached)

c) Recommendation:

THAT the Minutes of the Regular Meeting of January 10, 2022 be adopted.
(attached)

4. REPORTS & RESOLUTIONS

- a) Report from the Director of Operations & Intergovernmental Relations – Re: Major Projects – Monthly Update
(attached)

- b) Report from the City Manager – Re: Development Variance Permit DVP-21-07 for 201 – 7th Avenue East
(attached)

Recommendation:

THAT Council proceed to the statutory public notification for Development Variance Permit Application No. DVP-21-07; and,

THAT if Council approves the Development Variance Permit Application. No. DVP-21-07, Council requires, pursuant to Section 506 (8)(b) & Section 507 (2) of the Local Government Act, the applicant to upgrade the laneway to City standards from 7th Avenue East to the applicant's rear property line.

c) Report from the Chief Financial Officer – Re: Elector Approval for Loan Authorization Bylaw

(attached)

Recommendation:

THAT Council direct staff to proceed with obtaining elector approval by way of the Alternative Approval Process or Assent of the Electors.

5. BYLAWS

a) Report from the City Manager Re: Zoning Amendment Bylaw No. 3485, 2022

(attached)

Recommendation:

THAT Council:

1. Give First and Second Reading to the proposed Zoning Bylaw 3485, 2022; and,
2. Direct staff to give notice that a Public Hearing will not be required for this bylaw because it is consistent with the OCP.

b) Business Regulations & Licensing Bylaw No. 3476, 2021

(attached)

Recommendation:

THAT Council give Third Reading to the City of Prince Rupert Business Regulations & Licensing Bylaw No. 3476, 2021.

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT



City of Prince Rupert

MINUTES

For the **SPECIAL MEETING** of Council held on January 10, 2022 at 4:30 p.m. in the Council Chambers of CityHall, 424 – 3rd Avenue West, Prince Rupert, B.C.

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

STAFF: R. Buchan, City Manager
R. Miller, Corporate Administrator
C. Bomben, Chief Financial Officer
R. Pucci, Director of Operations
P. Vendittelli, Manager of Economic Development and
Transportation
V. Stewart, Manager of Communications

1. CALL TO ORDER

The Mayor called the Special Meeting of Council to order at 4:32 p.m.

2. RESOLUTION TO EXCLUDE THE PUBLIC

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

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR



City of Prince Rupert

MINUTES

For the **PUBLIC HEARING MEETING** of Council held on January 10, 2022 at 6:00 p.m. in the Council Chambers of CityHall, 424 – 3rd Avenue West, Prince Rupert, B.C.

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

ABSENT: Council W. Niesh

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

1. CALL TO ORDER

The Mayor called the Special Meeting of Council to order at 6:03 p.m. and read the Statement of the Chair on the Procedures for the Public Hearing.

2. ZONING BYLAW NO. 3479, 2021

a.) Report from Planning

b.) Public asked to provide comment.

- a. Email received from Gerard Dolan of 11th Avenue East, Prince Rupert, BC

3. AMENDMENT

MOVED by Councillor Skelton-Morven and seconded by Councillor Adey THAT the meeting be adjourned at 6:07 p.m.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR

Rec'd January 5, 2021
From Gerard Dolan

The purpose of this email is to show my disapproval for the proposed zoning change to a lot on the 400th block of 11th Ave.

Parcel G
Block 28
Section 8

I believe that a change in the bylaw to allow a tri plex in that lot will result in future adverse parking issues. The location of the lot is at the base of a blind hill on a main arterial road(11th ave) that accesses the East part of town.

I have no issues with a duplex(I believe under existing zoning, the lot is currently allowed a duplex).

Thank you for your time Rosa.
Stay safe.

Regards
Gerard Dolan



City of Prince Rupert

MINUTES

For the **REGULAR MEETING** of Council held on January 10, 2022 at 7:00 pm in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

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

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

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

MOVED by Councillor Skelton-Morven and seconded by Councillor Adey THAT the Agenda for the Regular Council Meeting of January 10, 2022 be adopted as presented.

CARRIED

3. MINUTES

a.) MOVED by Councillor Niesh and seconded by Councillor Cunningham THAT the Minutes of the Regular Council Meeting of December 6, 2021 be adopted.

CARRIED

b.) MOVED by Councillor Skelton-Morven and seconded by Councillor Randhawa THAT the Minutes of the Special Council Meeting of December 13, 2021 be adopted.

CARRIED

4. REPORTS & RESOLUTIONS

a) Report from the Corporate Administrator – Re: Council Resolutions Status Updates (November / December 2021)

5. BYLAWS

a) Report from the Chief Financial Officer – Re: Police Detachment Loan Authorization Bylaw

MOVED by Councillor Skelton-Morven and seconded by Councillor Niesh THAT Council introduce and give First, Second and Third Readings to the Police Detachment Loan Authorization Bylaw No. 3484, 2022.

CARRIED

Councillor Niesh left the meeting at 7:15 p.m. citing a conflict of interest with item 5.b).

b) Zoning Amendment Bylaw No. 3479, 2021

MOVED by Councillor Skelton-Morven and seconded by Councillor Randhawa THAT Council give Third Reading to the City of Prince Rupert Zoning Amendment Bylaw No. 3479, 2021.

CARRIED

Councillor Niesh returned to the meeting at 7:16 p.m.

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT

MOVED by Councillor Skelton-Morven and seconded by Councillor Cunningham that the meeting be adjourned at 7:37 p.m.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

DATE: January 18th, 2022

TO: Robert Buchan, City Manager

FROM: Richard Pucci, Director of Operations & Intergovernmental Relations

SUBJECT: MAJOR PROJECTS – MONTHLY UPDATE

RECOMMENDATION:

THAT Council receives the enclosed Report for information purposes.

REASON FOR REPORT:

The City of Prince Rupert has several active Major Projects in various states completion. This Report aims to update Council and the public on the progress monthly.

ANALYSIS:

The Staff has completed the attached diagram to showcase the progress on our Major Projects. Though progress was slow over the past month due to the holiday break, some Projects experienced completion.

3rd Avenue Extension – 15% Complete.

- Geotechnical Investigation is currently underway.

Eat Street – 95% Complete.

- The Project is waiting for the electrical contractor to finish so we can commission the site.

New Landfill Cell – 100% Complete.

RCMP Detachment – 15% Complete.

- RCMP Bylaw is currently in Council consideration

Recycling Program – 100% Complete.

SCADA System Upgrade – 5% Complete.

- Immediate SCADA upgrades are underway; however, the overall SCADA Project is still in design.

Sewer Treatment Program – 5% Complete.

- Staff is applying for additional grant funding to lessen the burden on the community.

Submarine Line – 5% Complete.

- Staff is working on the RFP and envision it going out for design within 30 days.

Water Treatment – 10% Complete.

- Staff is working on the RFP and envision it going out for design within 30 days.

Waterfront Project – 15% Complete.

- The Staff has completed several milestones necessary for the continuation of the Project. Staff is now working on a Project Development Agreement to advance the Project to construction.

Woodworth Dam – 90% Complete.

- The Woodworth Dam Project has seen good progress over the last month. The structure is now taking shape and is less susceptible to flood risk.

COSTS AND BUDGET IMPACT:

There is no impact on the Annual Budget or Strategic Priorities for the Staff at this time.

CONCLUSION:

THAT Council receives the enclosed Report for information purposes.

Report Prepared By:

Report Reviewed By:

Richard Pucci,
Director of Operations &
Intergovernmental Relations

Robert Buchan,
City Manager

Major Project Update

MAJOR PROJECT	PRIORITY	STATUS	% COMPLETE
3rd Avenue Extension	High	In Progress	15%
Eat Street Project	High	In Progress	95%
New Landfill Cell	High	Complete	100%
RCMP Detachment	High	In Progress	15%
Recycling Program	High	Complete	100%
SCADA System Upgrade	High	In Progress	5%
Sewer Treatment Program	High	In Progress	5%
Submarine Line	High	In Progress	5%
Water Treatment	High	In Progress	10%
Waterfront Project	High	In Progress	15%
Woodworth Dam	High	In Progress	90%

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

DATE: January 14, 2022

TO: Mayor and Council

FROM: Robert Buchan, City Manager

SUBJECT: DEVELOPMENT VARIANCE PERMIT DVP-21-07

RECOMMENDATION:

THAT Council proceed to the statutory public notification for Development Variance Permit Application #21-07; and

THAT if Council approves the Development Variance Permit Application #21-07, Council requires, pursuant to Section 506 (8)(b) & Section 507 (2) of the Local Government Act, the applicant to upgrade the laneway to City standards from 7th Avenue East to the applicant's rear property line.

REASON FOR REPORT:

On April 6th, 2021 an application was received for a Development Variance Permit for the property located at 201 7th Avenue East.

On May 31, 2021, Council tabled the application pending additional review. In particular, staff were asked to prepare a Local Service Area policy for Council's review as a means of managing applications that would require improvements to roads and lanes. Council received that draft policy and resolved to not adopt it.

The applicant has requested two variances to the City of Prince Rupert's Zoning Bylaw, Section 5.2.0 to build a detached garage. The R2 Zone requirements for accessory buildings are a maximum height of 3.6 meters and a maximum floor area of 70m². The applicant proposes a height at 5.2 meters and a maximum floor area at 72.5 m². This would require a height variance of 1.6 meters and a maximum floor area variance of 2.5 m².

The site and building plans are included as attachments #1 & #2.

BACKGROUND and ANALYSIS:

The applicant is proposing to replace the current unpermitted carport with a detached two door garage which would be accessed off of Bowser Street. The requested variances are not anticipated to impact the neighbourhood; however, the Bowser Street access is not built for vehicular traffic and permitting this variance may create liability issues for the City. The applicant will pay for the laneway improvement required for accessing the carport.

The Director of Operations recommends placing the cost of constructing the road access on the applicant and increasing the roads budget to account for increased maintenance. Mayor and Council can require the road allowance improvements at the expense to the applicant. The Local Government Act Section 506 (8) (b) allows a local government to require the development of a service (road) from the property line up to the centre line of the laneway. The Local Government Act Section 507 (2) allows the local government to require the owner of the land to extend the improvement to the other side of the laneway if the expense of this upgrade to the City is excessive in the opinion of the City. These two sections of the Local Government Act provide Council with the ability to place the upgrade expenses onto an applicant as a condition of a building permit or subdivision application.

Staff have provided an estimate of the cost for the laneway improvement required to support this DVP in the amount of \$5,000.00. The applicant is willing to pay for this work up to that price. Accordingly, staff would recommend proceeding with considering the DVP application with the condition that the cost be paid or bonded prior to issuance of the building permit. The work would be undertaken by the City.

The Draft Development Variance Permit is included as Attachment #3.

COST and BUDGET IMPACT:

The owner is proposing to cover the capital cost associated with granting this permit. The City would be obligated to maintain the improved laneway after the applicant develops Bowser Street Laneway to City Standards.

CONCLUSION:

It is recommended that Mayor and Council proceed with considering this application subject to the owner paying the cost of upgrading the road allowance.

Report Prepared By:

Robert Buchan

Attachment(s):

1. Site Plan
2. Building Plan
3. Draft Development Variance Permit

PREPARED FOR:
JESSE SCHAEFFER
201 - 7TH AVENUE EAST
PRINCE RUPERT, BC
V8J 2H7



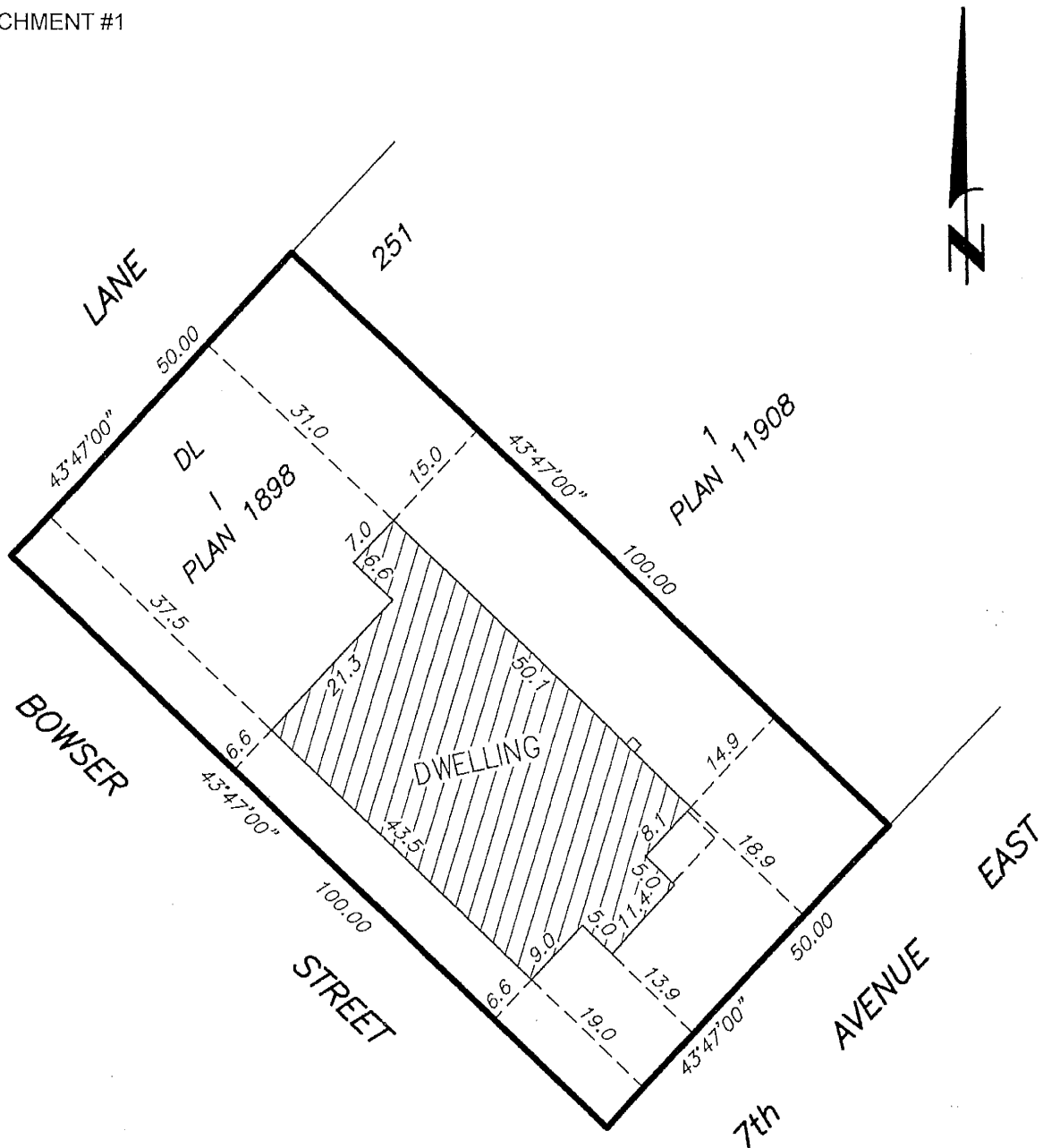
McElhanney Associates Land Surveying Ltd.

1 - 5008 POHLE AVENUE, TERRACE, BC V8G 4S8 TEL: 250-635-7163

OUR FILE: 2321-50101-07
FIELD SURVEY DATE: MAY 5, 2021

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION SHOWING
IMPROVEMENTS OVER LOT I, BLOCK 16, DISTRICT LOT 251,
RANGE 5, COAST DISTRICT PLAN 1898.

ATTACHMENT #1



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 EXTERIOR SIDING 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'.

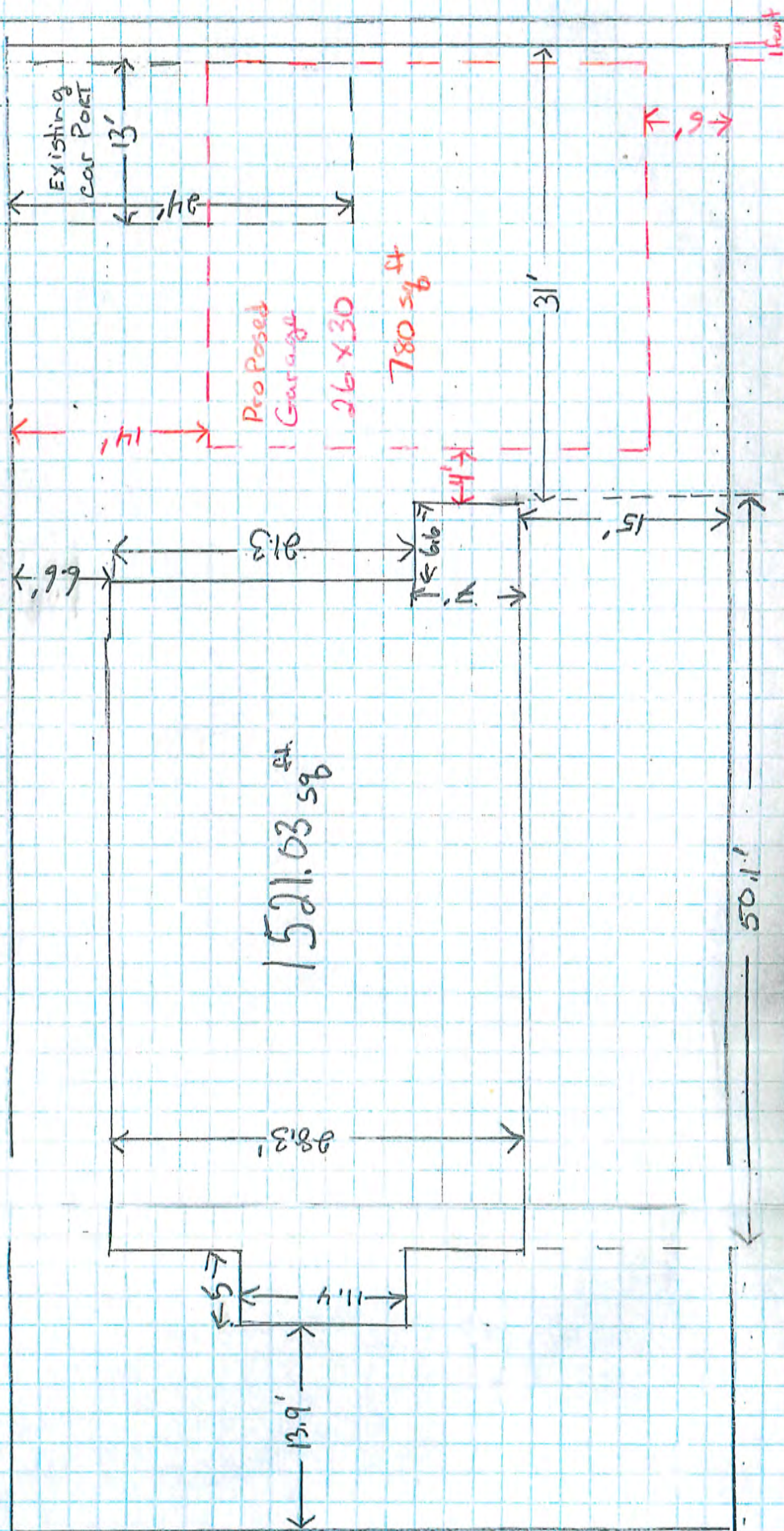
DIMENSIONS DERIVED FROM PLAN 1898

CIVIC ADDRESS: 201 7th AVENUE EAST
PRINCE RUPERT, BC

PID: 012-626-864

ATTACHMENT #2

LANE WAY



1/4" = 2'

PROPERTY

50 x 100

201 7th AVE EAST

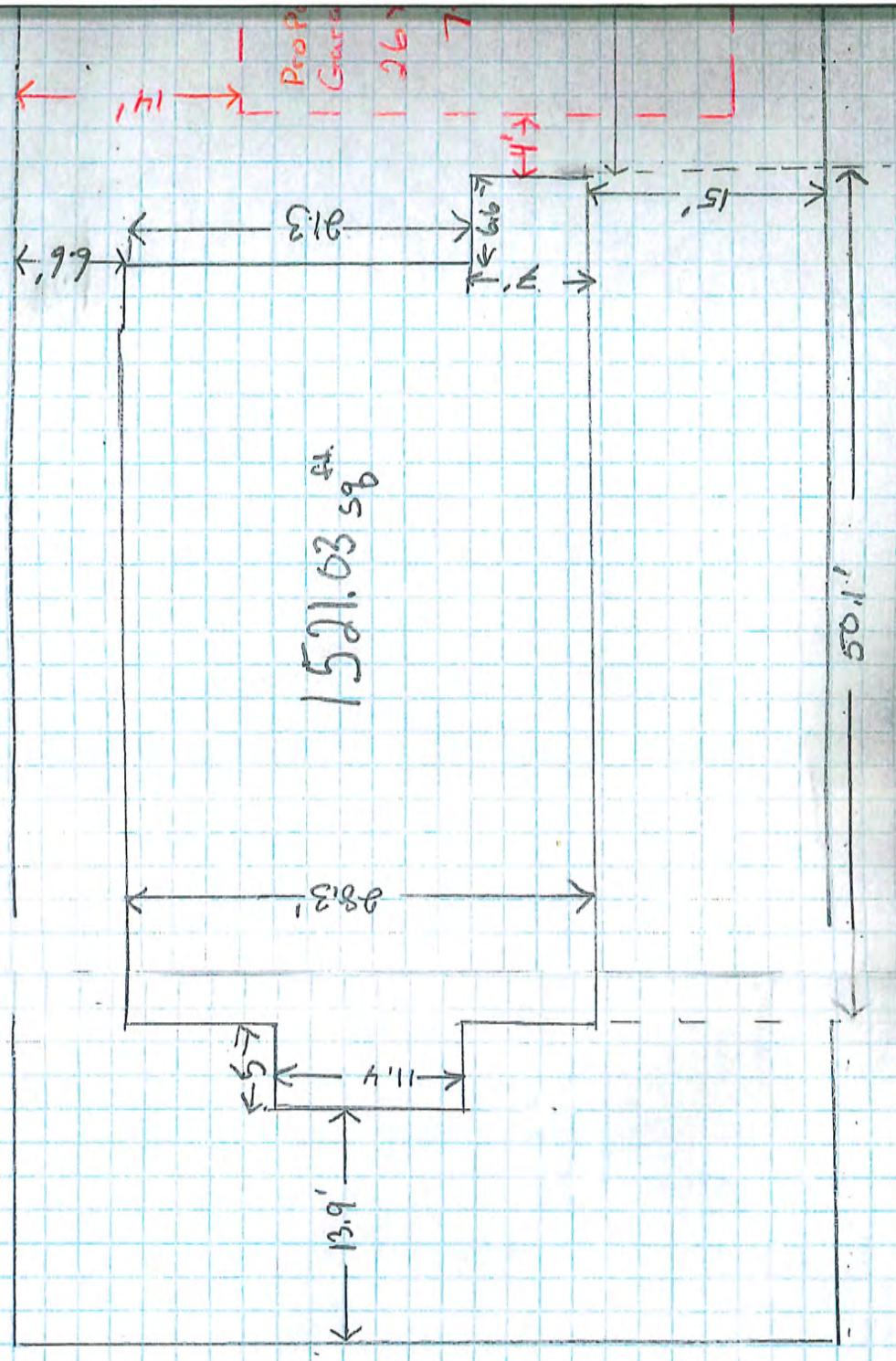
Esse Schaeffer

150 600 4466

7th AVE EAST

Alley 1st AY Bowser Street

ATTACHMENT #2



8" slab - cement on Piles if Required

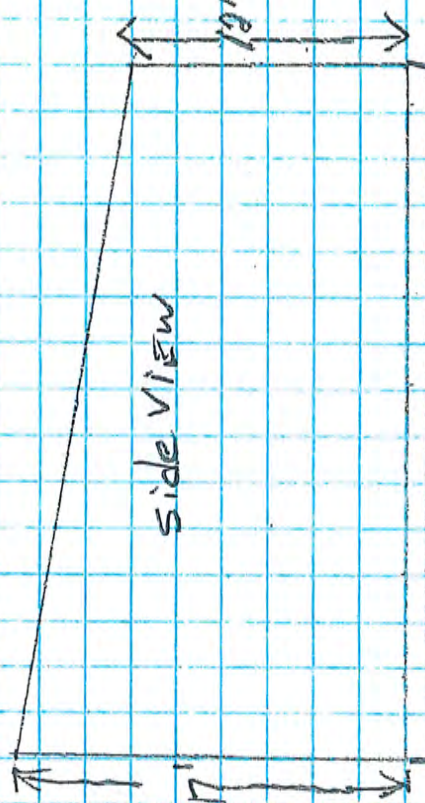
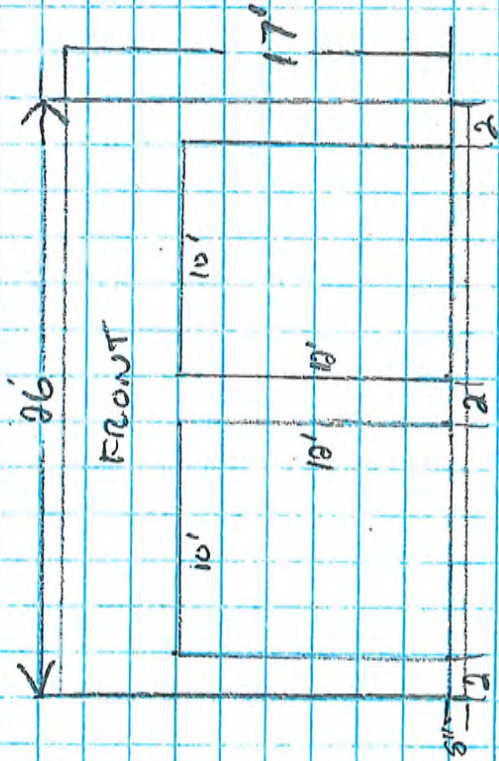
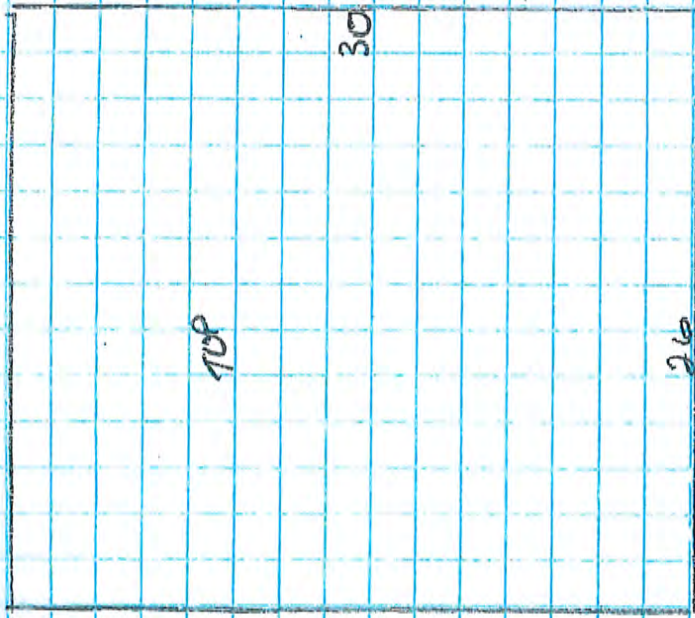
as per city code
Building 2x6 wood

Vinyl siding

Roof 12-12 slope - torch on

Garage door 2 @ 10x10

2 main doors - 1 ground level
1 deck height



8" slab



Development Variance Permit #21-07

PERMITTEE: Jesse Schaeffer
CIVIC ADDRESS: 201 7th Avenue East

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:

(Lots 1, Block 16, Section 6, Range 5, Plan PRP 1898)

CIVIC ADDRESS:

(201 7th Avenue East)

3. The City of Prince Rupert Zoning Bylaw (Bylaw #3462) is varied as follows:
 - a. Section 5.2.0: Maximum Accessory Building Height from the 3.6 metres to 5.2 metres.
 - b. Section 5.2.0: Maximum Accessory Building floor area from 70m² to 72.2m².

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

- a. This Development Variance Permit allows the variances above to the property located at 201 7th Avenue East, Prince Rupert in accordance with the attached plans and specifications included in this permit as Schedules 1 & 2.
 - b. Pursuant to Section 506 (8)(b) of the Local Government Act, Council requires as a condition of Building Permit the applicant to develop a road to the centre line of Bowser Street laneway to City standards for motor vehicles for the entire length of the side lot line adjacent to the Bowser Street laneway.
 - c. Pursuant to Section 507 (2) of the Local Government Act, Council requires the applicant to construct the road on the far side of the centre line of Bowser Street laneway to City standards for motor vehicles contiguous with the road construction in condition b. at the expense of the applicant.
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 PLANS
2. BUILDING PLANS

ISSUED ON THIS ____ DAY OF _____, 2022

Robert Buchan
City Manager

CITY OF PRINCE RUPERT

REPORT TO COUNCIL

DATE: January 24, 2022

TO: Robert Buchan, City Manager

FROM: Corinne Bomben, Chief Financial Officer

SUBJECT: ELECTOR APPROVAL FOR LOAN AUTHORIZATION BYLAW

RECOMMENDATION:

That Council direct staff to proceed obtaining elector approval by way of the Alternate Approval Process or Assent of the Electors.

REASON FOR REPORT

Under *Community Charter 180 (1)* a loan authorization bylaw may only be adopted with the approval of the electors. *Section 84* indicates approval may be obtained either by assent or approval by way of alternative approval process. Each is detailed specifically in *Section 85* and *86* of the *Community Charter*. This report is provided to explain the differences between each and seek Council's direction for obtaining elector approval of the Police Detachment Loan Authorization Bylaw No. 3484, 2022.

ANALYSIS

Council gave three readings to the above noted bylaw on January 10th, 2022. Prior to staff submitting the bylaw to the Province for approval, staff is seeking direction on how elector approval will be sought in order to facilitate the approval process. A summary of each process along with the estimated time and cost associated with each follows.

Alternate Approval Process

This process requires the City to follow a public notification process advising the Community of the intent to borrow funds for the project. Voting members of the Community then have a period of 30 days after the second publication of the notice to respond. If ten percent (10%) of the eligible voting members state their opposition to obtaining a loan, the matter will then require *Assent of Electors (Referred to going forward as Referendum)* which is obtained by voting and the majority at the ballot decides whether Council may proceed (see below for details on *Referendum*).

January 24, 2022

Referendum

This process is to be conducted in the same manner as an election and requires the Community to vote on the question of whether it approves the borrowing of funds. A simple majority decides the question. Voting eligibility is the same for voting at a municipal election.

COSTS:

Costs associated with the Alternate Approval Process are significantly less than a *Referendum*. The estimated cost of the Alternate Approval Process is \$7,000. For a *Referendum*, the estimated cost is \$35,000 given most of the same costs as holding a general election are incurred. However this year is an election year so a *Referendum* would not mean cost duplication if Council chose for the question to be heard at the same time. A delay to this time however could impact the cost of the overall construction project given the cost uncertainties experienced from the current supply chain problems.

TIMING OF EACH PROCESS:

Once staff has received approval of the loan authorization bylaw from the Inspector of Municipalities, elector approval can begin. Should Council choose the Alternate Approval Process, notification and response time combined takes six (6) weeks from the first public notification. Should Council choose the *Referendum* process, general voting day needs to occur within eighty (80) days of provincial approval of the bylaw. If Council wants to line up the *Referendum* with the municipal election, it would mean delaying the submission of the bylaw for Provincial approval to adhere to the 80 day window.

CONCLUSION:

By choosing which process elector approval is sought, staff can proceed through the loan authorization process required to obtain necessary funding for the police detachment replacement project.

Prepared by:**Reviewed by:**

Corinne Bomben
Chief Financial Officer

Robert Buchan
City Manager



CITY OF PRINCE RUPERT

REPORT TO COUNCIL

Regular Meeting of Council

DATE: January 24, 2022

TO: Council

FROM: Robert Buchan, City Manager

SUBJECT: REZONING APPLICATION ZBLA-21-04

ZB BYLAW NO. 3485, 2022

FILE: ZBLA 21-04

CIVIC: 433 11TH AVENUE EAST

RECOMMENDATION:

THAT Council:

1. Give First and Second Reading to the proposed Zoning Bylaw 3485, 2022 and,
2. Direct staff to give notice that a Public Hearing will not be required for this bylaw because it is consistent with the OCP.

PROPOSAL:

We have received legal advice that the best way forward in correcting the bylaw for 433 11th Ave East is to replace bylaw 3479 with a new bylaw with the correct new zone. This is because there is no provision in the legislation to apply the new Public Hearing rules to in-process bylaws. It appears to apply only to new bylaws.

PROPOSAL:

The bylaw to rezone a newly consolidated parcel at 433 11th avenue for the purposes of building a 3 multi-family residential building incorrectly references the RM1 zone. The zone needs to be RM2 to enable the proposal to proceed as requested by the applicant.

The public hearing and public consultation both described the proposal accurately so the change to RM2 would be consistent with all aspects of the information presented to the public except for the actual zone designation.

In the applicant's submission he states:

Current zoning would allow for a home on each lot with a suite or a duplex on each lot making essentially four units. Due to costs of construction in our challenging environment of muskeg, rocks and rain, it makes more sense to erase an imaginary line and the required side setbacks between the properties and use that space for creating more living space. Currently the property is being legally combined into one legal lot instead of two. The next step is to apply for a rezoning with the intention of building one building with three units. The units would consist of two units having two bedrooms, and one unit having one bedroom. The idea behind this is to create rental housing in a time when it is needed, but to not make it too big of a project that it is not fitting with the neighbourhood. Right now, we need housing at all levels and this is a low impact project that would bring three new units on line in Prince Rupert.

Under recent legislative changes, public hearings are not required by legislation for proposals that are consistent with OCPs. This proposal is consistent with the Official Community Plan. Therefore, Council can rescind 3rd reading and amend at 2nd reading and then proceed at the following Council meeting with the new 3rd reading. Public Notification that there will be no public hearing on the amended bylaw is required.

Report Prepared By:

Robert Buchan
City Manager

CITY OF PRINCE RUPERT

ZONING AMENDMENT BYLAW NO. 3485, 2022

A BYLAW TO AMEND THE CITY OF PRINCE RUPERT ZONING BYLAW NO. 3462, 2021

WHEREAS the Council of the City of Prince Rupert has enacted Zoning Bylaw No. 3462, 2021 for the City of Prince Rupert;

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

1. That the City of Prince Rupert Zoning Bylaw No. 3462, 2021 be amended as follows:
 - a. Amend "Schedule B" Zoning Map by rezoning Parcel G (being a consolidation of Lots 35 and 36, See CA9446151) Block 28 Section 8 District Lot 251 Range 5 Coast District Plan 923 (PID 031-552-145) *from* R2 Duplex and Two Family Residential Zone *to* RM2 Multiple Family Residential Zone as indicated on the map attached.
2. This Bylaw may be cited for all purposes as "City of Prince Rupert Zoning Amendment Bylaw No. 3485, 2022"

Read a First time this ____ day of _____, 20____.

Read a Second time this ____ day of _____, 20____.

Public Hearing this ____ day of _____, 20____.

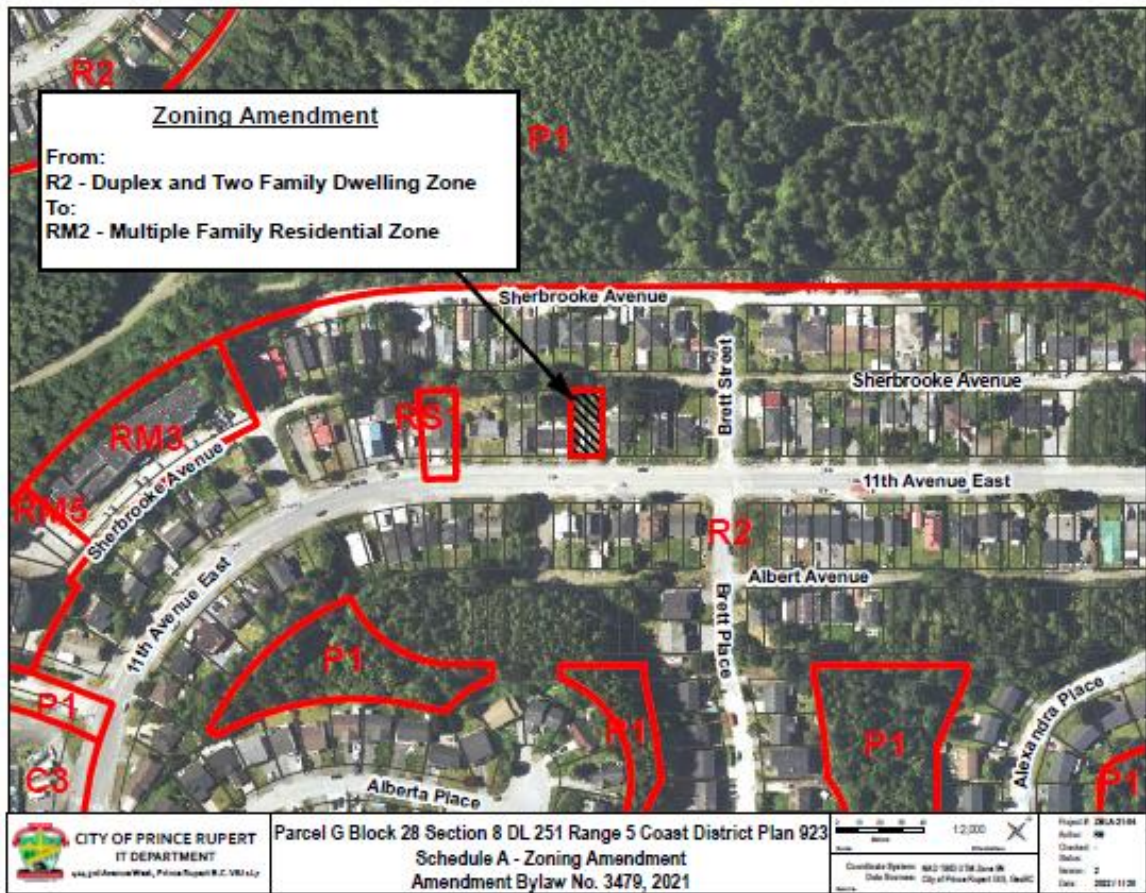
Read a Third time this ____ day of _____, 20____.

Approved by the Ministry of Transportation and Infrastructure this ____ day of _____, 20____.

Final Consideration and Adopted this ____ day of _____, 20____.

MAYOR

CORPORATE ADMINISTRATOR



CITY OF PRINCE RUPERT

BUSINESS REGULATIONS & LICENSING 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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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.

"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;
- 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 Statutes 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. .
- 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 licence 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;
 - 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;
- 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 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 light-coloured 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 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.

Read a First time this 20th day of September, 2021.

Read a Second time this 20th day of September, 2021.

Read a Third time this ____ day of _____, 20____.

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

MAYOR

CORPORATE ADMINISTRATOR

APPENDIX “A”

LICENCE FEES

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