



REGULAR MEETING

For the **REGULAR MEETING** of Council to be held on April 11, 2022 at 7:00 pm in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

1. CALL TO ORDER

Recommendation:

That the Regular Council Meeting be suspended and the Special Committee of the Whole Meeting be convened.

2. ADOPTION OF AGENDA

Recommendation:

THAT the Agenda for the Regular Council Meeting of April 11, 2022 be adopted as presented.

3. MINUTES

a) Recommendation:

THAT the Minutes of the Special Council Meeting of March 28, 2022 be adopted.

(attached)

b) Recommendation:

THAT the Minutes of the Regular Council Meeting of March 28, 2022 be adopted.

(attached)

c) Recommendation:

THAT the Minutes of the Public Hearing of March 28, 2022 be adopted.

(attached)

d) Recommendation:

THAT the Minutes of the Committee of the Whole Meeting of March 28, 2022 be adopted.

(attached)

4. REPORTS & RESOLUTIONS

- a) Report from the Corporate Administrator Re: Council Resolutions Status Updates (March 2022)**

b) Report from the Director of Operations & Intergovernmental Relations Re: Major Projects – Monthly Update

(attached)

c) Report from the Director of Operations & Intergovernmental Relations Re: CN Station & RCMP Detachment Project Transition Notification

(attached)

Recommendation:

THAT Council receives the following notification and passes a resolution for the project transition.

d) Report from Planning Re: Development Activity Report for March 2022

(attached)

e) Report from Planning Re: Development Variance Permit No. 22-05 for 1107 – 11th Avenue East

(attached)

Recommendation:

THAT Council proceed with the statutory notification process for Development Variance Permit (DVP) no. 22-05.

f) Report from Planning Re: Development Variance Permit No. 22-09 for 1130 – 11th Avenue East

(attached)

Recommendation:

THAT Council proceed with the statutory notification process for Development Variance Permit (DVP) no. 22-09.

5. BYLAWS

a) ZBLA-21-03 for 1220 Portage Road.

(attached)

Recommendation:

THAT Council:

- 1) GIVE Fourth and Final Reading to City of Prince Rupert Official Community Plan Bylaw No. 3489, 2022 to allow the change of property designation from Residential to Industrial.
- 2) GIVE Fourth and Final Reading to City of Prince Rupert Zoning Bylaw No. 3490, 2022 to allow the change to rezone the property from P1: Public Facilities to M1: Light Industrial.

b) **Cemetery Fees and Charges Amendment Bylaw No. 3491, 2022**

(attached)

Recommendation:

THAT Council gives Fourth and Final Reading to the Cemetery Fees and Charges Amendment Bylaw No. 3491, 2022

c) **Road Closure Bylaw No. 3488, 2022**

(attached)

Recommendation:

THAT Council repeals the Third Reading of Road Closure Bylaw No. 3488, 2022

d) **Report from the City Manager/Planner Re: Business Regulations & Licensing Bylaw No. 3476, 2021**

(attached)

Recommendation:

THAT Council repeal Third Reading of Bylaw No. 3475, 2021 from March 28, 2022 and give Third Reading to the Business Regulations & Licensing Bylaw No. 3476, 2021 as amended.

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT



MINUTES

For the **SPECIAL MEETING** of Council held on March 28, 2022 at 5:00 p.m. in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

PRESENT: Councillor B. Cunningham
Councillor W. Niesh (by Zoom)
Councillor N. Adey
Councillor G. Randhawa
Councillor B. Mirau (Acting Mayor)
Councillor R. Skelton-Morven

ABSENT: Mayor L. Brain

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

1. CALL TO ORDER

The Acting Mayor called the Special Meeting of Council to order at 5:00 p.m.

2. RESOLUTION TO EXCLUDE THE PUBLIC

MOVED by Councillor Niesh and seconded by Councillor Skelton-Morven 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:

- (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



MINUTES

For the **REGULAR MEETING** of Council held on March 28, 2022 at 7:00 p.m. in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

PRESENT: Councillor W. Niesh (by Zoom)
Councillor G. Randhawa
Councillor B. Cunningham
Councillor N. Adey
Councillor B. Mirau (Acting Mayor)
Councillor R. Skelton-Morven

ABSENT: Mayor L. Brain

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

1. CALL TO ORDER

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

MOVED by Councillor Skelton-Morven and seconded by Councillor Adey THAT the Regular meeting of March 28, 2022 be suspended and that the Committee of the Whole be convened.

2. ADOPTION OF AGENDA

MOVED by Councillor Randhawa and seconded by Councillor Adey THAT the Agenda for the Regular Council Meeting of March 28, 2022 be adopted as presented.

CARRIED

3. MINUTES

a.) MOVED by Councillor Adey and seconded by Councillor Cunningham THAT the Minutes of the Special Council Meeting of March 14, 2022 be adopted.

CARRIED

b.) MOVED by Councillor Skelton-Morven and seconded by Councillor Cunningham THAT the Minutes of the Regular Council Meeting of March 14, 2022 be adopted.

CARRIED

- c.) MOVED by Councillor Cunningham and seconded by Councillor Skelton-Morven THAT the Minutes of the Special Committee of the Whole Meeting of March 14, 2022 be adopted.

CARRIED

4. REPORTS & RESOLUTIONS

a) Report from Planning Re: Development Activity Report.

b) Report from the Corporate Administrator Re: Outdoor Patio – Wheelhouse Brewing Company.

MOVED by Councillor Randhawa and seconded by Councillor Skelton-Morven THAT Council support the application for an outdoor patio for the Wheelhouse Brewing Company (the “Wheelhouse”).

CARRIED

c) Report from Planning Re: DVP-22-01 for 1531 Atlin Avenue

MOVED by Councillor Niesh and seconded by Councillor Adey THAT Council deny Development Variance Permit (DVP) 22-01.

CARRIED

d) Report from Planning Re: DVP-22-06 for 221 – 11th Street

MOVED by Councillor Skelton-Morven and seconded by Councillor Adey THAT Council approve Development Variance Permit Application (DVP) 22-06.

CARRIED

e) Report from Planning Re: DVP-22-03 for 1444 – 2nd Avenue West

MOVED by Councillor Randhawa and seconded by Councillor Cunningham THAT Council approve Development Variance Permit Application (DVP) 22-03.

CARRIED

f) Report from Planning Re: DVP-22-07 for 337 McBride Street

MOVED by Councillor Randhawa and seconded by Councillor Cunningham THAT Council approve Development Variance Permit (DVP) 22-07.

CARRIED

g) Report from the Director of Operations & Intergovernmental Relations Re: Request for Proposals for 22-09 – Award CT Northern Contractors Alliance Limited Partnership.

MOVED by Councillor Skelton-Morven and seconded by Councillor Cunningham THAT Council award City of Prince Rupert RFP 20-09: Contractor Services to CT Northern Contractors Limited Partnership.

CARRIED

5. BYLAWS

a) Report from Planning Re: ZBLA-21-03 for 1220 Portage Road.

MOVED by Councillor Third Reading to City of Prince Rupert Official Community Plan Bylaw No. 3489, 2022 to allow the change of property designation from Residential to Industrial.

CARRIED

MOVED by Councillor Skelton-Morven and seconded by Councillor Cunningham THAT Council give Third Reading to City of Prince Rupert Zoning Bylaw No. 3490, 2022 to rezone the property from P1: Public Facilities to M1: Light Industrial; and, THAT this PROCEED to MOTI for review and approval.

CARRIED

b) Report from the Director of Operations & Intergovernmental Relations Re: Cemetery Fees & Charges Amendment Bylaw No. 3491, 2022

MOVED by Councillor Randhawa and seconded by Councillor Adey THAT Council introduce and give First, Second and Third Reading to the Cemetery Fees & Charges Amendment Bylaw No. 3491, 2022.

CARRIED

c) Report from the Director of Operations & Intergovernmental Relations Re: Road Closure Bylaw No. 3488, 2022

MOVED by Councillor Skelton-Morven and seconded by Councillor Cunningham THAT Council introduce and give First, Second and Third Reading to Road Closure Bylaw No. 3488, 2022.

CARRIED

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT

MOVED by Councillor Adey and seconded by Councillor Randhawa THAT the meeting be adjourned at 7:56pm.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR



MINUTES

For the **PUBLIC HEARING MEETING** of Council held on March 28, 2022 at 6:00 p.m. in the Council Chambers of CityHall, 424 – 3rd Avenue West, Prince Rupert, B.C.

PRESENT: Councillor B. Cunningham
Councillor W. Niesh (by Zoom)
Councillor N. Adey
Councillor G. Randhawa
Councillor B. Mirau (Acting Mayor)
Councillor R. Skelton-Morven

ABSENT: Mayor L. Brain

STAFF: R. Buchan, City Manager
R. Miller, Corporate Administrator
C. Bomben, Chief Financial Officer
R. Pucci, Director of Operations & Intergovernmental Relations
M. Pope, Planner
D. Rajasooriar, Planner

1. CALL TO ORDER

The Mayor called the Special Meeting of Council to order at 6:00 p.m. and read the Statement of the Chair on the Procedures for the Public Hearing.

2. OCP AMENDMENT BYLAW 3489, 2022

a.) Report from Planning

b.) Public asked to provide comment.

c.) ZONING BYLAW NO. 3490, 2022

a.) Report from Planning

b.) Public asked to provide comment.

- a. Kevin Stunder (Draft Heights Development Group) spoke against the proposed changes.
- b. Aaron Roorda (Presbyterian Church) spoke in favour of the proposed changes.

d.) ADJOURNMENT

MOVED by Councillor Cunningham and seconded by Councillor Adey THAT the meeting be adjourned at 6:13 p.m.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR



MINUTES

For the **COMMITTEE OF THE WHOLE MEETING** of Council held on March 28, 2022 in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, BC.

PRESENT: Councillor W. Niesh (by Zoom)
Councillor B. Cunningham
Councillor G. Randhawa
Councillor N. Adey
Councillor B. Mirau (Acting Mayor)
Councillor R. Skelton-Morven

PRESENT: Mayor L. Brain

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

1. CALL TO ORDER

The Acting Mayor called the Committee of the Whole Meeting to order at 7:01 pm.

2. ADOPTION OF AGENDA

MOVED by Councillor Randhawa and seconded by Councillor Adey that the Agenda for the Committee of the Whole Meeting of March 28, 2022 be adopted as provided.

CARRIED

3. PRESENTATION

- a.) Corinne Bomben, Chief Financial Officer/Deputy City Manager Re: Proposed 2022 Budget.
- b.) Ceilidh Marlow – Tourism Prince Rupert Re: Signage Project

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 Skelton-Morven and seconded by Councillor Cunningham that the meeting be adjourned at 7:30 p.m.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR

Council Resolution Status Updates

March 2022

Date	Resolution	Status
22-Nov-2021	TORCA Pump Track – License to Occupy	
10-Jan-2022	Police Detachment Loan Authorization Bylaw No. 3484, 2022	
24-Jan-2022	DVP-21-07 for 201 – 7 th Avenue East to statutory notification; applicant to upgrade laneway to City Standards	
24-Jan-2022	Electoral Approval for Loan Authorization Bylaw to Alternative Approval Process	
7-Feb-2022	Street Names Resident Request	
28-Feb-2022	DVP-22-04 (CBC Building)	
28-Feb-2022	DVP-21-14 for 1429 Overlook Street	
28-Feb-2022	DVP-21-15 for 1039 Hays Cove Avenue	
28-Feb-2022	Business Regulation & Licensing Bylaw No. 3476, 2022	
14-Mar-2022	DVP-22-01 for 1531 Atlin Avenue	
14-Mar-2022	DVP-22-06 for 221 – 11 th Street	
14-Mar-2022	DVP-22-03 for 1444 – 2 nd Avenue West	
14-Mar-2022	DVP-22-07 for 337 McBride Street	
14-Mar-2022	Master Service Agreement – Award CT Northern Contractors Alliance Limited Partnership (22-10)	
14-Mar-2022	OCP Amendment Bylaw No. 3489, 2022	
14-Mar-2022	Zoning Amendment Bylaw No. 3490, 2022	
28-Mar-2022	Outdoor Patio – Wheelhouse Brewing Company	
28-Mar-2022	Master Service Agreement – Award CT Northern Contractors Alliance Limited Partnership (22-09)	
28-Mar-2022	Cemetery Fees & Charges Amendment Bylaw No. 3491, 2022	
28-Mar-2022	Road Closure Bylaw No. 3488, 2022	

 In progress

 Completed

Rosamaria Miller
Corporate Administrator



REPORT TO COUNCIL

Meeting of Council

DATE: April 11, 2022
TO: Robert Buchan, City Manager
FROM: Richard Pucci, Director of Operations & Intergovernmental Relations
SUBJECT: MAJOR PROJECT – MONTHLY UPDATES

RECOMMENDATION:

THAT Council receives the following 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.

3rd Avenue Extension – 15% Complete.

- Geotechnical Investigation complete and under review with staff.

Eat Street – 100% Complete.

- 3 food trucks on site
- Washroom open 24hrs - Washroom seeing significant abuse.

New Landfill Cell – 100% Complete.

RCMP Detachment – 15% Complete.

- The Staff envision the site preparations to start this Summer.

Recycling Program – 100% Complete.

- The Staff are continually monitoring the program looking for efficiencies.

SCADA System Upgrade – 5% Complete.

- Immediate SCADA upgrades are underway; however, the overall SCADA Project is still in design.
- The Staff is working on a geotechnical assessment of the new tower locations.

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 15 days.

Water Treatment – 10% Complete.

- Staff is working on the RFP and envision it going out for design within 15 days.

Waterfront Project – 15% Complete.

- The Staff has completed several milestones necessary for the continuation of the Project. The Staff has completed several meetings to push this Project forward and anticipates progress to pick up in the next couple of months

Woodworth Dam – 95% Complete.

- The Woodworth Dam Project is still anticipated to complete at the end of May.

COST:

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

CONCLUSION:

THAT Council receives the following 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	Complete	100%
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	95%



REPORT TO COUNCIL

Meeting of Council

DATE: April 11, 2022
TO: Robert Buchan, City Manager
FROM: Richard Pucci, Director of Operations & Intergovernmental Relations
SUBJECT: **CN STATION & RCMP DETACHMENT PROJECT TRANSITION NOTIFICATION**

RECOMMENDATION:

THAT Council receives the following notification and passes a Resolution for the Project Transition.

REASON FOR REPORT:

The Council has recently approved a new Master Service Agreement (MSA) with CT Northern Contractors Alliance Limited Partnership (CTNCA). As a result, Staff will be transitioning the two aforementioned Projects to the new MSA in order to have continued surety on rates and contractor availability.

COST:

This Report supports the Council's Strategic Plan for Project development and has no impact on the Annual Budget as these Projects are already underway with set rates and captured in the existing Annual Budget.

CONCLUSION:

THAT Council receives the following Report as notification.

Report Prepared By:

Report Reviewed By:

Richard Pucci,
Director of Operations &
Intergovernmental Relations

Robert Buchan,
City Manager



REPORT TO COUNCIL

Regular Meeting of Council

DATE: April 11th, 2022

TO: Robert Buchan, City Manager

FROM: Daniel Rajasooriar, Planner

SUBJECT: DEVELOPMENT ACTIVITY REPORT FOR MARCH 2022

REASON FOR REPORT:

This report summarizes development application activity in the City of Prince Rupert from March 2022. This report is intended to inform Council on applications that have been received and their current status.

SUMMARY:

The table below provides a summary of the applications that were approved, are in progress, or on hold from March 2022.

In terms of development permits (including minor works or sign permits), four were approved, one is in progress, and one is on hold. In terms of development variance permits, six were approved, one was denied, three are in progress, and one is on hold. In terms of temporary use permits, one is on hold. In terms of Official Community Plan and/or Zoning Bylaw amendments, two are in progress and four are on hold.

File No.	Address	Proposal Description	Date Received	Status	Date of Decision
DP-22-05	744 Fraser Street	Application to install exit doors, replace windows, remove a vent, remove exterior signs and painting, install drainpipes, remove a fence and post, replace a deck and stairs, relocate electrical wiring, paint exterior walls, and improve the finish of the concrete design under windows.	March 15 th 2022	Approved	April 5 th 2022
DP-22-06	222-216 3 rd Avenue West	Application to have signs.	February 2 nd 2022	Approved* *The permit was applied for under MSP-22-01. Related: DVP-22-04.	March 15 th 2022
DP-22-07	744 Fraser Street	Application to build a deck with a roof.	March 10 th 2022	Approved	April 5 th 2022

DP-22-08	205-207 3 rd Avenue East	Application to build a lean-to structure.	March 23 rd 2022	In Progress* *Awaiting a draft agreement from the Engineering team in relation to a potential development permit subject clause.	N/A
DP-22-09	337 McBride Street	Application to have a sign.	January 18 th 2022	Approved* *The permit was applied for under MSP-22-02. Related: DVP 22-07.	March 29 th 2022
DVP-21-10	1551 Kay Smith Boulevard	Application to have a principal building height variance to accommodate an existing house as well as a side property line setback variance to accommodate an existing stairway/deck.	July 12 th 2021	On Hold* *The application is on hold until the applicant establishes an encroachment agreement or removes the encroachments.	N/A

DVP-21-14	1429 Overlook Street	Application to have a rear property line setback variance, a lot coverage variance, as well as a principal building height variance to accommodate a proposed residence with two decks.	November 3 rd 2021	Approved	March 14 th 2022
DVP-21-15	1039 Hays Cove Avenue	Application to have a front property line setback variance to accommodate a proposed stairway/deck.	December 2 nd 2021	Approved	March 14 th 2022
DVP-22-01	1531 Atlin Avenue	Application to have a principal building height variance, lot coverage variance, as well as a gross floor area variance to accommodate a proposed residence.	January 13 th 2022	Denied	March 28 th 2022
DVP-22-03	1444 2 nd Avenue West	Application to have a lot coverage variance as well as side property line variances to accommodate a proposed addition and deck.	January 28 th 2022	Approved	March 28 th 2022

DVP-22-04	222-216 3 rd Avenue West	Application to have window sign size variances to accommodate proposed window signs.	February 2 nd 2022	Approved* Related: DP-22-06.	March 14 th 2022
DVP-22-05	1107 11 th Avenue East	Application to have a rear property line setback variance to accommodate a proposed deck.	February 11 th 2022	In Progress* *The application is before Council with a recommendation to proceed with the statutory notification process.	N/A
DVP-22-06	221 11 th Street	Application to have a front yard setback variance to accommodate an existing deck.	February 24 th 2022	Approved	March 28 th 2022
DVP-22-07	337 McBride Street	Application to have a sign type variance to accommodate a proposed roof sign replacement.	January 18 th 2022	Approved* *Related: DP 22-09.	March 28 th 2022
DVP-22-08	1515 Kay Smith Boulevard	Application to have (a) variance(s) to accommodate a proposed balcony extension.	March 11 th 2022	In Progress* *Awaiting additional documentation from the applicant.	N/A

DVP-22-09	1130 11 th Avenue East	Application to have a rear property line setback variance to accommodate a proposed accessory building connected via a deck.	March 15 th 2022	In Progress* *The application is before Council with a recommendation to proceed with the statutory notification process.	N/A
MSP-21-14	336 2 nd Avenue West	Application to have a sign.	September 28 th 2021	On Hold* * The application is on hold until the applicant provides additional documentation.	N/A
TUP-21-03	1502 2 nd Avenue West	Application to temporarily have a container located in a backyard.	September 27 th 2021	On Hold* *The application is on hold until the applicant provides additional documentation.	N/A
ZBLA-21-01	712-714 McKay Street	Application to rezone from R2 to RM2.	April 7 th 2021	On Hold* *Awaiting additional documentation from the applicant.	N/A

ZBLA-21-03	1220 Portage Road	Application to change the OCP designation from residential to industrial and rezone from P1 to M2.	November 25 th 2021	In Progress* *The application is before Council for a fourth and final reading.	N/A
ZBLA-22-01	1307-1309 Sloan Avenue	Application to rezone from R2 to RM1.	January 20 th 2022	On Hold* *The application is on hold in consideration of an upcoming Zoning Bylaw amendment proposal.	N/A
ZBLA-22-02	542 8 th Avenue East	Application to rezone from R2 to RM2.	January 31 st 2022	On Hold* *The application is on hold in consideration of an upcoming Zoning Bylaw amendment proposal.	N/A
ZBLA-22-03	125 3 rd Avenue East	Application to rezone from C5 to P1.	March 23 rd 2022	On Hold* *The application is on hold until the applicant provides additional documentation.	N/A

ZBLA-22-04	801 Fraser Street	Application for a zoning amendment to have a distillery as a permitted use at the subject property.	March 23 rd 2022	In Progress* *Awaiting additional documentation from the applicant.	N/A
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Report Prepared By:

Daniel Rajasooriar,
Planner

Report Reviewed By:

Robert Buchan,
City Manager



REPORT TO COUNCIL

Regular Meeting of Council

DATE: April 11th, 2022

TO: Robert Buchan, City Manager

FROM: Daniel Rajasooriar, Planner

**SUBJECT: DEVELOPMENT VARIANCE PERMIT #22-05
FOR 1107 11TH AVENUE EAST**

RECOMMENDATION:

THAT Council proceed with the statutory notification process for Development Variance Permit (DVP) #22-05.

REASON FOR REPORT:

An application was received for a Development Variance Permit for the property located at 1107 11th Avenue East.

The application involves:

1. A request for a variance of the City of Prince Rupert Zoning Bylaw, Section 5.2.6 (b) to have a 1.2192-metre setback from the rear property line in relation to a proposed deck. The required setback from the rear property line in an R2 zone is 3.0 metres. The applicant is requesting a variance of 1.7808 metres in terms of the setback from the rear property line.

The Site and Building Plans are included as Attachment 1.

BACKGROUND AND ANALYSIS:

The proposed variance for the setback from the rear property line is requested by the applicant to accommodate a proposed deck. The applicant rationalized the

proposed variance for the setback from the rear property line by noting how the variance would allow them to maximize deck space.

There are no known negative impacts of the proposed variance on the surrounding neighbourhood; however, the public will have the opportunity to provide input during the public consultation period.

Spanning lot lines, existing structures do not conform, and the proposed development would not conform, with the City of Prince Rupert Zoning Bylaw, Section 5.2.6 (c) concerning the setback from a side property line. Therefore, the Draft Development Variance Permit includes a subject clause that the permittee(s) successfully has/have the lots consolidated or the interior lot lines cancelled prior to the issuance of a Building Permit.

The Draft Development Variance Permit is included as Attachment 2.

COST AND BUDGET IMPACT:

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

CONCLUSION:

This Development Variance Permit application is recommended to proceed to public notification. Affected property owners will have the opportunity to express their views on the application when Council considers the permit.

Report Prepared By:

Daniel Rajasooriar,
Planner

Report Reviewed By:

Robert Buchan,
City Manager

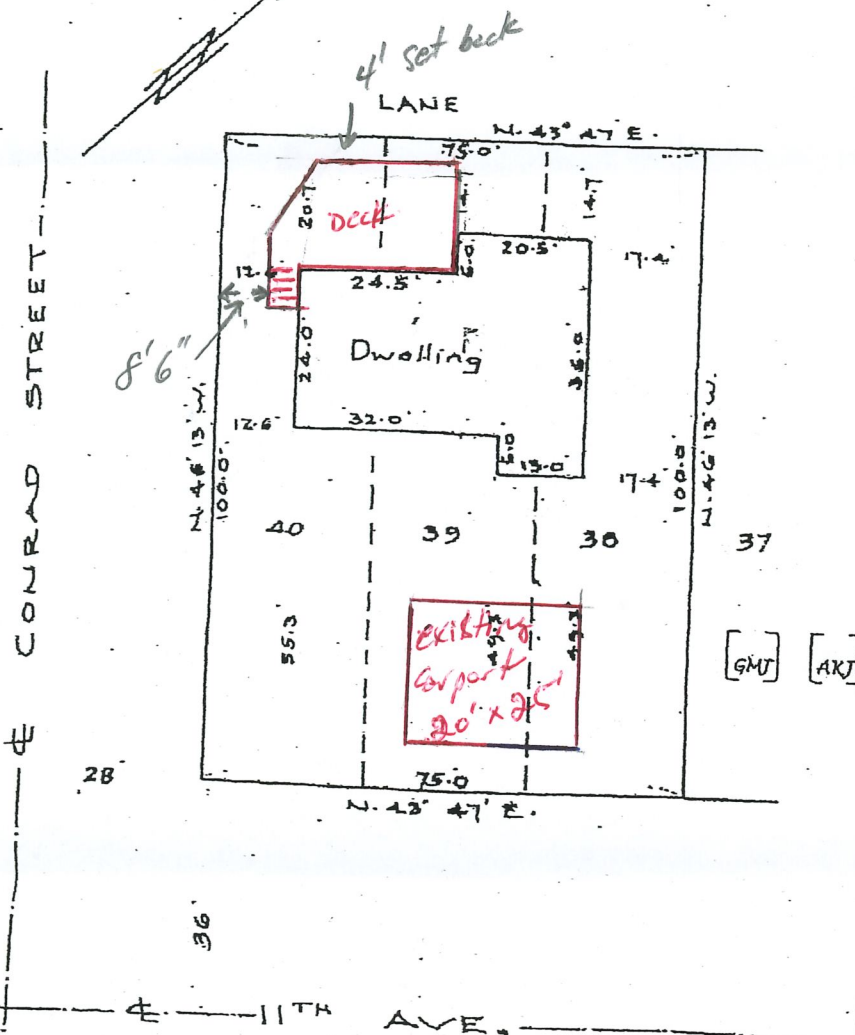
Attachment(s):

- Attachment 1: Site and Building Plans
- Attachment 2: Draft Development Variance Permit

Authenticity ID: 8709A56A-5009-4798-A7B5-C64191FC07E

Plan Showing Location Of Dwelling Constructed On
 Lots 38, 39 AND 40, BLOCK 23,
 PLAN 923, CITY OF PRINCE RUPERT,
 BRITISH COLUMBIA

20



VOID

24th DAY OF JUNE

Signed Ian C. MacDonald
 27th Ave East

Ian C. MacDonald

040411

The City of Prince Rupert does NOT warrant the accuracy or completeness of this information and no representations are being made by providing this copy. Any reliance on this information will be solely at YOUR OWN RISK and not that of the City.

This information has been provided subject to the Federal Copyright Act and in accordance with the Freedom of Information and Protection of Privacy Act.

CONRAD ST.

property line 20' 7"

Lane

property line

4' setback

25'

42" railing to deck height greater than 0.6 m.

Footing

Footing

Footing

Deck

16'

16'

4'

4'

steps 12
12" run

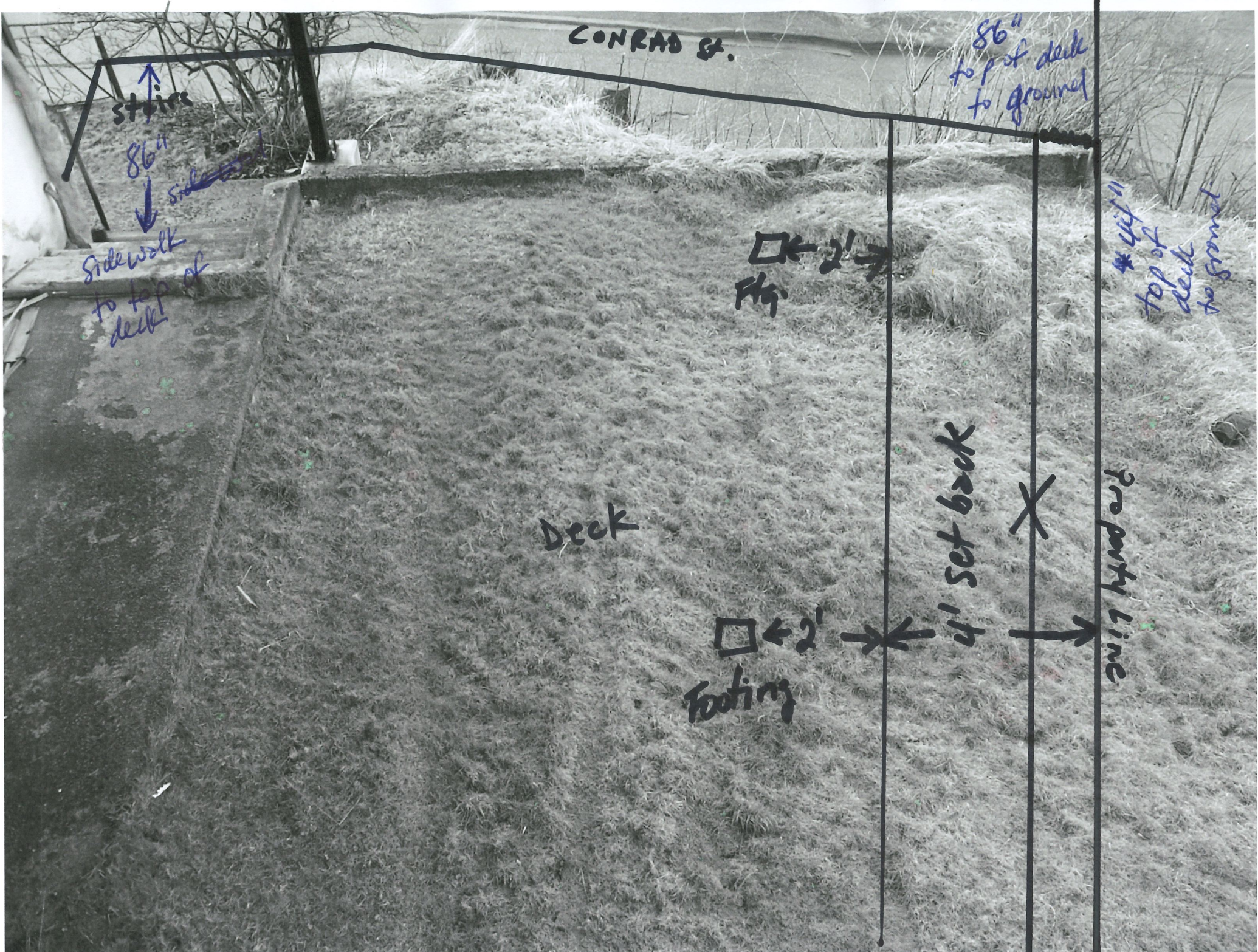
12' 6"

□ = SQ FT

Foundation

4'





CONRAD ST.

86"
to top of deck
to ground

stairs
86"
to top of deck
to ground

sidewalk
to top of deck

4' set back
to top of deck
to ground

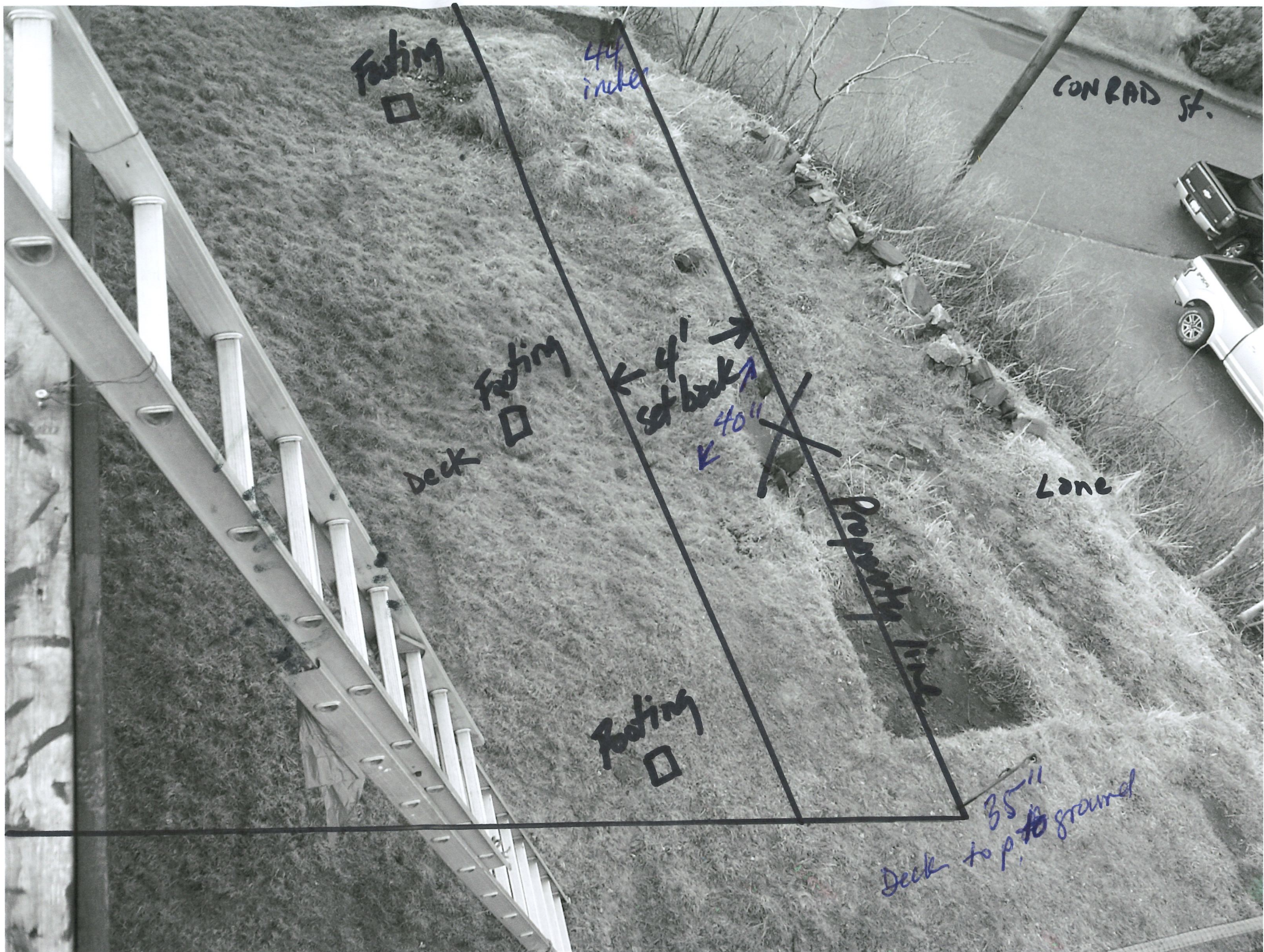
2' set back
to footing

Deck

2' set back
to footing

4' set back

Property line



CONRAD ST.

Lane

Property line

35"
Deck to p. to ground



DEVELOPMENT VARIANCE PERMIT
FILE NO. DVP-22-05

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

PERMIT ISSUED TO OWNER(S): Gilberto Jardim and Anne Jardim

APPLICANT: Gilbert Jardim

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 in this permit.
2. This Development Variance Permit applies to those lands within the City of Prince Rupert that are described below, and any and all buildings, structures, and other development thereon:

LEGAL DESCRIPTION:

Lots 38-40 Block 23 Section 8 District Lot 251 Range 5 Coast District Plan 923

CIVIC ADDRESS:

1107 11th Avenue East

3. The City of Prince Rupert Zoning Bylaw (Bylaw #3462) is varied as follows:
 - a. Section 5.2.6 (b) is varied from a 3.0-metre setback from the rear property line to a 1.2192-metre setback from the rear property line in relation to the proposed deck, in accordance with the Site and Building Plans attached as Schedule 1 (A-E).

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

- a. The permittee(s) develop(s) the proposed development in accordance with the Site and Building Plans attached as Schedule 1 (A-E).
 - b. The permittee(s) successfully has/have the lots consolidated or the interior lot lines cancelled prior to the issuance of a Building Permit.
4. The City requests the permittee(s) to have a site survey of the subject property conducted after the proposed development has been built and to provide the site survey to the City to ensure compliance.

5. If the permittee(s) does/do 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.
6. This permit is **NOT** a building permit, sign permit, or subdivision approval.
7. This permit does not authorize works on adjacent properties. Encroachment on any adjacent property for the purposes of excavation, or the deposit or removal or fill requires the written consent of the owner of such adjacent property.
8. The terms and conditions contained in this permit shall inure to the benefit of, and be binding upon, the owner(s), their executors, heirs or administrators, successors and assignees as the case may be or their successors in title to the land.
9. The following plans and specifications are attached to and form part of this permit:
 - a. Schedule 1 (A-E): Site and Building Plans

ISSUED ON THIS _____ DAY OF _____, 2022.

CITY OF PRINCE RUPERT
By an authorized signatory

Rosamaria Miller
Corporate Administrator



REPORT TO COUNCIL

Regular Meeting of Council

DATE: April 11th, 2022

TO: Robert Buchan, City Manager

FROM: Daniel Rajasooriar, Planner

**SUBJECT: DEVELOPMENT VARIANCE PERMIT #22-09
FOR 1130 11TH AVENUE EAST**

RECOMMENDATION:

THAT Council proceed with the statutory notification process for Development Variance Permit (DVP) #22-09.

REASON FOR REPORT:

An application was received for a Development Variance Permit for the property located at 1130 11th Avenue East.

The application involves:

1. A request for a variance of the City of Prince Rupert Zoning Bylaw, Section 5.2.6 (b) to have a 1.2192-metre setback from the rear property line in relation to a proposed accessory building. The required setback from the rear property line in an R2 zone is 3.0 metres. The applicant is requesting a variance of 1.7808 metres in terms of the setback from the rear property line.

The Site Plan and Building Plan are included as Attachments 1 and 2, respectively.

BACKGROUND AND ANALYSIS:

The proposed variance for the setback from the rear property line is requested by the applicant to accommodate a proposed accessory building. The two-storey accessory building, including a garage, will be connected to an existing two-storey

residence via an existing ground-level deck and proposed second-floor deck that may be built in the future.

The applicant rationalized the proposed variance for the setback from the rear property line in three ways. First, they believe the proposed variance would enable them to meet their need for increased parking and storage area. Second, they believe the proposed variance would enable them to provide, on the second floor of the proposed accessory building, space with privacy to others in the household during family gatherings. Third, they believe the proposed variance would enable them to have a covered backyard area that would facilitate outdoor living regardless of the weather.

There are no known negative impacts of the proposed variance on the surrounding neighbourhood; however, the public will have the opportunity to provide input during the public consultation period.

The Draft Development Variance Permit is included as Attachment 3.

COST AND BUDGET IMPACT:

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

CONCLUSION:

This Development Variance Permit application is recommended to proceed to public notification. Affected property owners will have the opportunity to express their views on the application when Council considers the permit.

Report Prepared By:

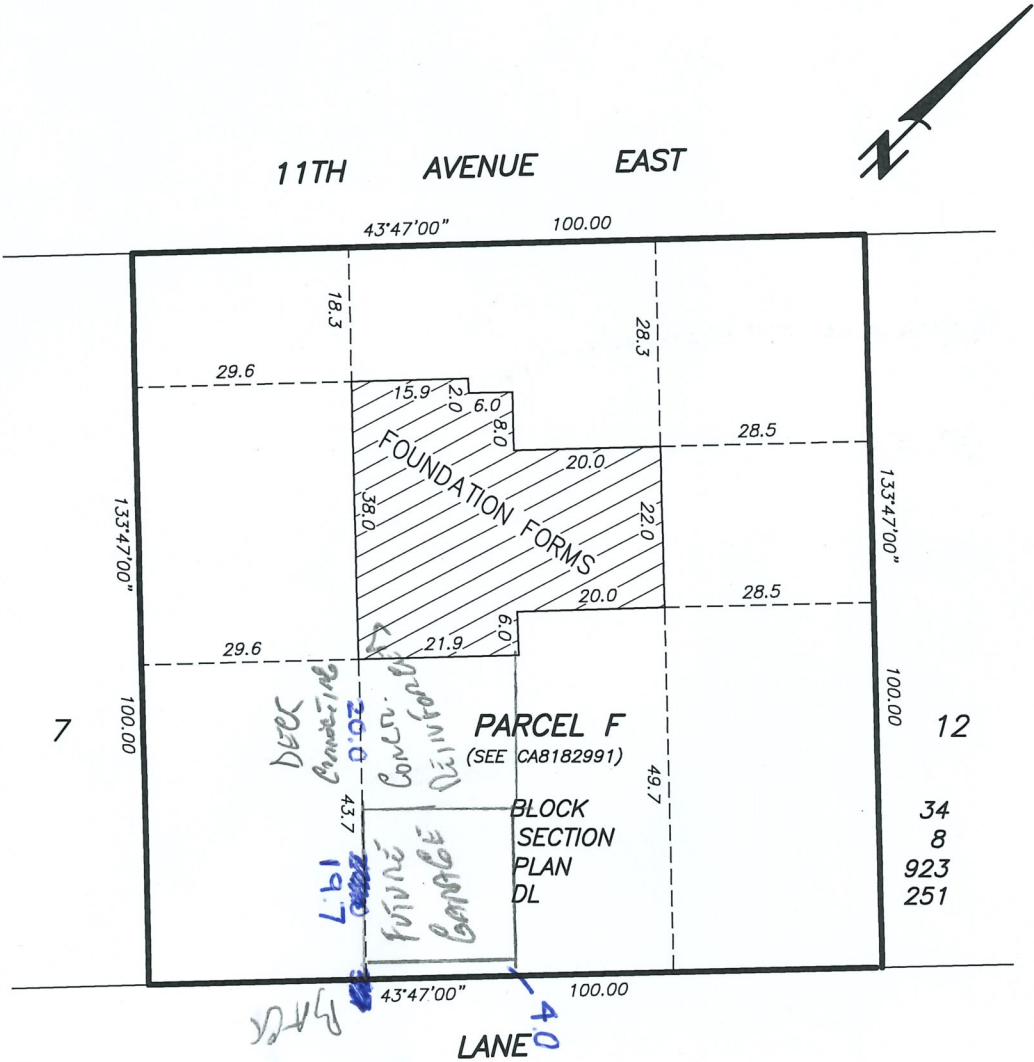
Report Reviewed By:

Daniel Rajasooriar,
Planner

Robert Buchan,
City Manager

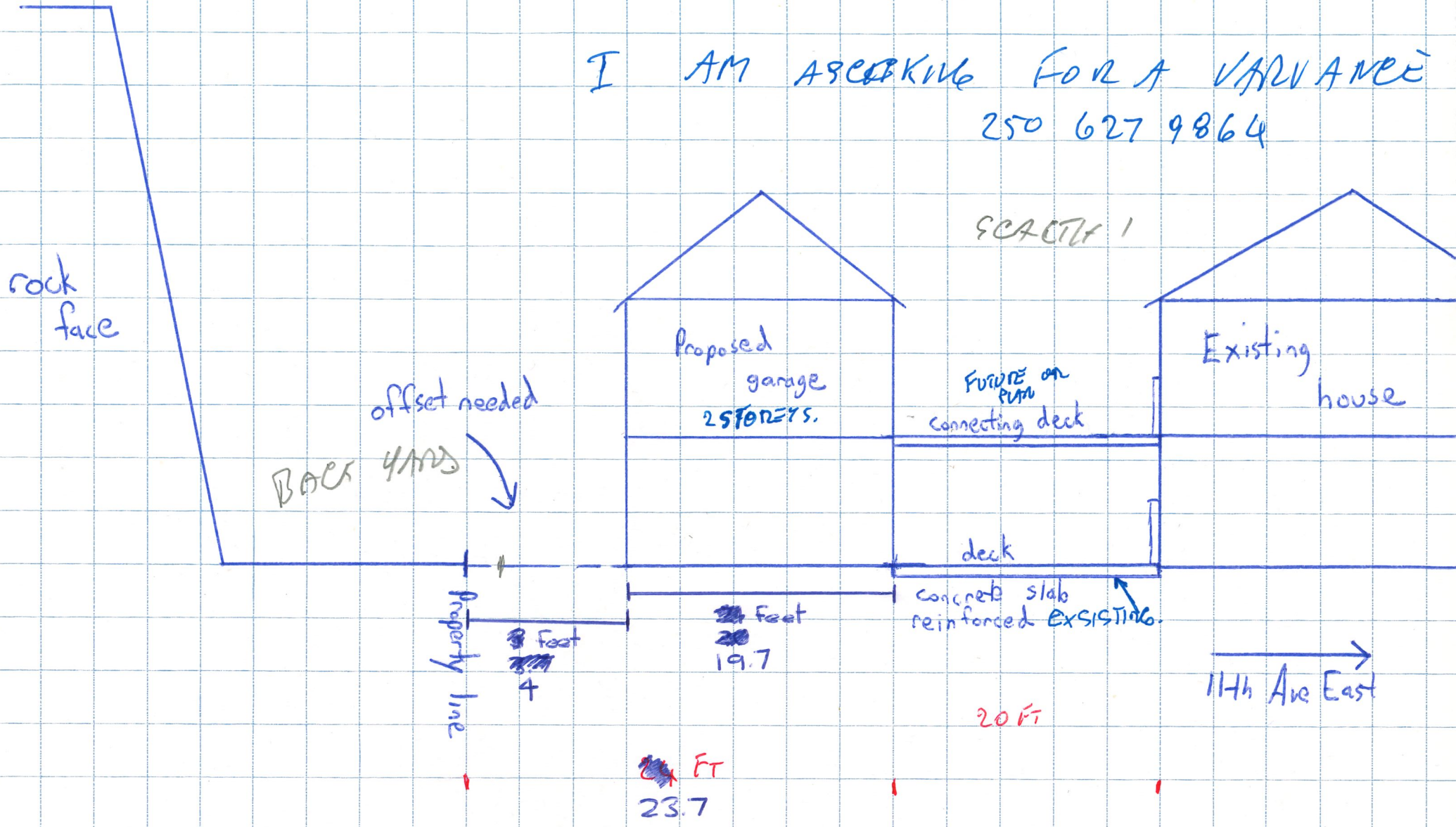
Attachment(s):

- Attachment 1: Site Plan
- Attachment 2: Building Plan
- Attachment 2: Draft Development Variance Permit

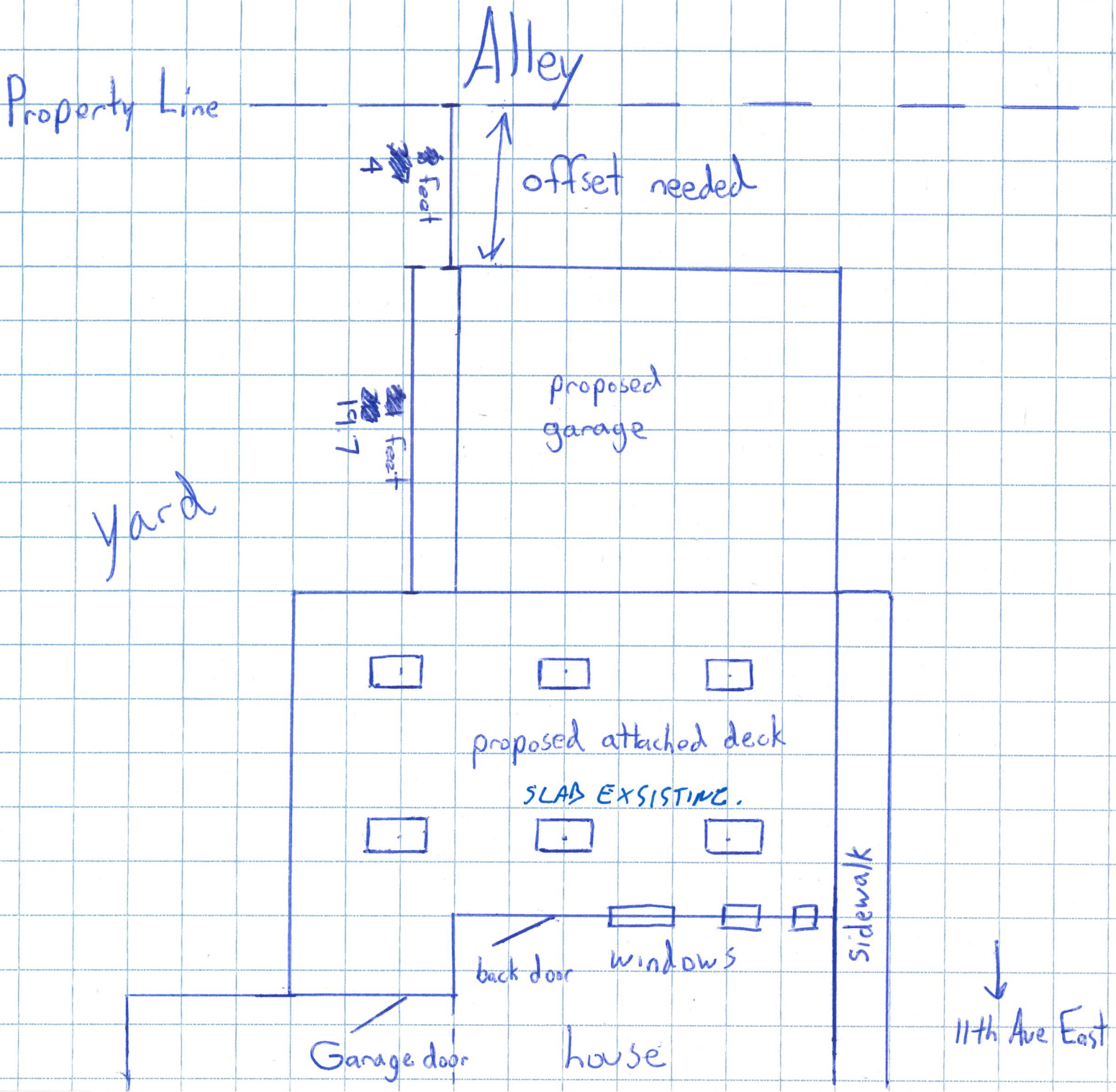
PREPARED FOR: DANTE MASSARI 1600 - 11TH AVENUE EAST PRINCE RUPERT, BC V8J 2P1	 McElhanney Associates Land Surveying Ltd. 1 - 5008 POHLE AVENUE, TERRACE, BC V8G 4S8 TEL: 250-635-7163 OUR FILE: 2321-50100-16 FIELD SURVEY DATE: SEPTEMBER 14, 2020	
BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION SHOWING IMPROVEMENTS OVER PARCEL F (BEING A CONSOLIDATION OF LOTS 8, 9, 10 & 11, SEE CA8182991), BLOCK 34, SECTION 8, DL 251, RANGE 5, COAST DISTRICT PLAN 923.		
11TH AVENUE EAST  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 OUTSIDE OF FOAM BLOCK FORMS AND ARE PERPENDICULAR TO PROPERTY LINES, UNLESS OTHERWISE SHOWN. 0 10 20 30 40 50 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 923	CIVIC ADDRESS: 1130 11th AVENUE EAST PRINCE RUPERT, BC	PID: 031-091-326
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 AND FIELD SURVEYS. UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR CONSIDERED. THIS CERTIFICATE IS NOT FOR MORTGAGE PURPOSES. Digitally signed by Todd Basky XUVPL6 Date: 2020.09.15 14:16:03 -07'00' TODD BASKY BCLS 899 THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED		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 DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS. THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT. ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF THE SIGNATORY.

1130 11TH AVE EAST

I AM ASKING FOR A VARIANCE
250 627 9864



Large Vertical Rock Face





DEVELOPMENT VARIANCE PERMIT
FILE NO. DVP-22-09

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

PERMIT ISSUED TO OWNER(S): Dante Massari

APPLICANT: Dante Massari

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 in this permit.
2. This Development Variance Permit applies to those lands within the City of Prince Rupert that are described below, and any and all buildings, structures, and other development thereon:

LEGAL DESCRIPTION:

Parcel F (Being A Consolidation Of Lots 8, 9, 10, And 11, See CA8182991)
Block 34 Section 8 District Lot 251 Range 5 Coast District Plan 923

CIVIC ADDRESS:

1130 11th Avenue East

3. The City of Prince Rupert Zoning Bylaw (Bylaw #3462) is varied as follows:
 - a. Section 5.2.6 (b) is varied from a 3.0-metre setback from the rear property line to a 1.2192-metre setback from the rear property line in relation to the proposed accessory building, in accordance with the Site Plan and Building Plan attached as Schedules 1 and 2 (A-B), respectively.

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

- a. The permittee develops the proposed development in accordance with the Site Plan and Building Plan attached as Schedules 1 and 2 (A-B), respectively.
4. The City requests the permittee(s) to have a site survey of the subject property conducted after the proposed development has been built and to provide the site survey to the City to ensure compliance.

5. If the permittee(s) does/do 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.
6. This permit is **NOT** a building permit, sign permit, or subdivision approval.
7. This permit does not authorize works on adjacent properties. Encroachment on any adjacent property for the purposes of excavation, or the deposit or removal or fill requires the written consent of the owner of such adjacent property.
8. The terms and conditions contained in this permit shall inure to the benefit of, and be binding upon, the owner(s), their executors, heirs or administrators, successors and assignees as the case may be or their successors in title to the land.
9. The following plans and specifications are attached to and form part of this permit:
 - a. Schedule 1: Site Plan
 - b. Schedule 2 (A-B): Building Plan

ISSUED ON THIS _____ DAY OF _____, 2022.

CITY OF PRINCE RUPERT
By an authorized signatory

Rosamaria Miller
Corporate Administrator

CITY OF PRINCE RUPERT

OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 3489, 2022

A BYLAW TO AMEND THE CITY OF PRINCE RUPERT OFFICIAL COMMUNITY PLAN BYLAW NO. 3460, 2020

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

That the City of Prince Rupert Official Community Plan Bylaw No. 3460, 2020 be amended as follows:

1. That Lot 1, District Lot 251, Range 5, Coast District, Plan 11720 be designed as follows:

From: Residential - Detached

To: Industrial

2. That the City Wide Land Use Framework, Map 1A, to the City of Prince Rupert Official Community Plan Bylaw No. 3460, 2020 shall be amended according to Schedule A attached hereto and forming a part of this Official Community Plan Amendment Bylaw No. 3489, 2022.
3. This Bylaw may be cited as "Official Community Plan Amendment Bylaw No. 3489, 2022".

Read a First time this 14th day of March, 2022.

Read a Second time this 14th day of March, 2022.

Public Hearing this 28th day of March, 2022.

Read a Third time this 28th day of March, 2022.

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

MAYOR

CORPORATE ADMINISTRATOR

Schedule A OCP Amendment Bylaw 3489, 2022



OPERATIONS DEPARTMENT

Subject Property

Lot 1 District Lot 251 Range 5
Coast District, Plan 11720

Land Use

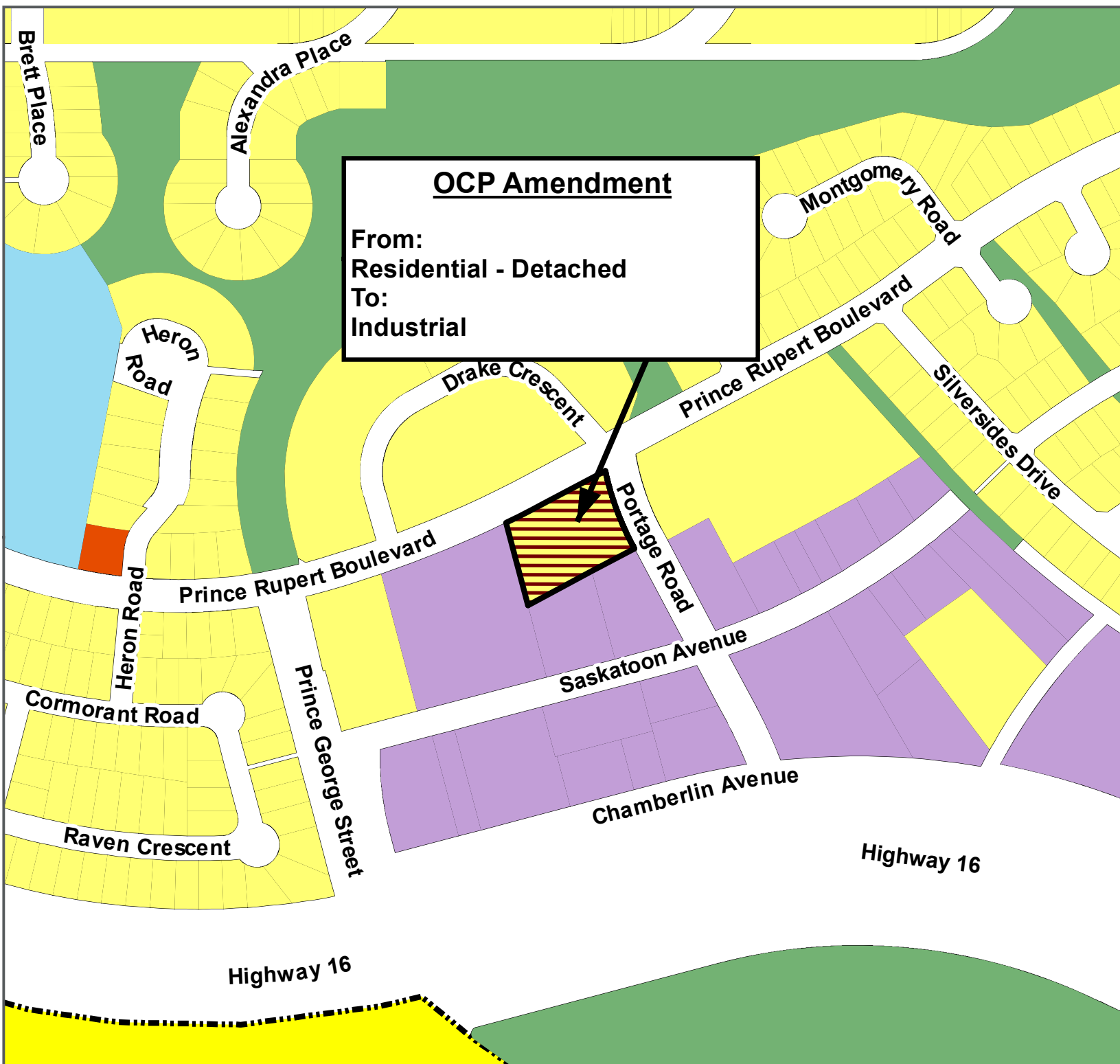
- Downtown Retail/Mixed Use
- Local Retail/Mixed Use
- Large Format/Service Retail/Mixed Use
- Residential - Detached
- Residential - Townhouse
- Residential - Apartment
- Hotel
- Industrial
- Office
- Civic/Community
- Park/Open Space
- Future Neighbourhoods
- Residential/Industrial Flex
- Potential New Park Location

Project #: Bylaw 3489
Author: RB
Checked: XX
Status: FINAL
Revision: A
Date: 2022 / 3 / 8
Scale: 1:3,400



Coordinate System:
NAD 1983 UTM Zone 9N

Data Sources:
Integrated Cadastral Information Society (ICIS)
City of Prince Rupert
2021 Orthophoto



CITY OF PRINCE RUPERT

**From Prior Meeting &
For Reference Purposes Only.**

ZONING AMENDMENT BYLAW NO. 3490, 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 Lot 1, District Lot 251, Range 5, Coast District, Plan 11920 *from* P1 Public Facility and *to* M1 Light Industrial as indicated on the map attached.
2. This Bylaw may be cited for all purposes as "City of Prince Rupert Zoning Amendment Bylaw No. 3490, 2022"

Read a First time this 14th day of March, 2022.

Read a Second time this 14th day of March, 2022.

Public Hearing this 28th day of March, 2022.

Read a Third time this 28th day of March, 2022.

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

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

MAYOR

CORPORATE ADMINISTRATOR



OPERATIONS DEPARTMENT

Subject Property

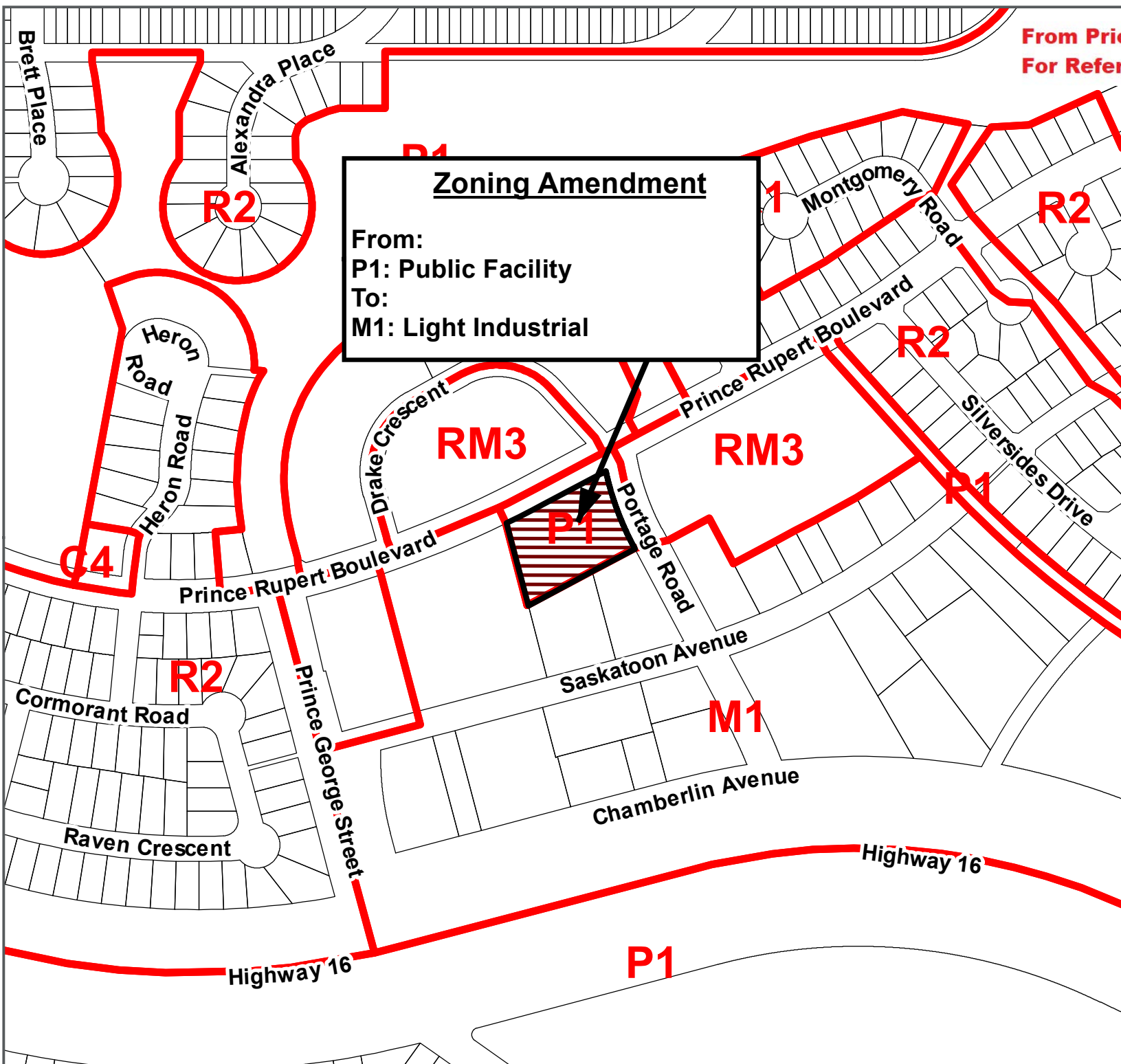
Lot 1 District Lot 251 Range 5
Coast District, Plan 11720

Project #: Bylaw 3490
Author: RB
Checked: XX
Status: FINAL
Revision: A
Date: 2022 / 3 / 8
Scale: 1:3,400



Coordinate System:
NAD 1983 UTM Zone 9N

Data Sources:
Integrated Cadastral Information Society (ICIS)
City of Prince Rupert
2021 Orthophoto





**From Prior Meeting &
For Reference Purposes Only.**

CEMETERY FEES AND CHARGES AMENDMENT BYLAW NO. 3491, 2022

A BYLAW TO REPLACE THE “CEMETERY FEES AND CHARGES BYLAW NO. 3483, 2021”. CEMETERY FEES AND CHARGES FOR THE YEAR 2022

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

1. That the “Cemetery Fees and Charges Bylaw No. 3483, 2021” be amended by replacing **Schedule “A”** with **Schedule “A” Cemetery Fees and Charges**.
2. This bylaw shall come into effect as of April 11, 2022 through to December 31, 2022.
3. This Bylaw shall be cited for all purposes as **“Cemetery Fees and Charges Amendment Bylaw No. 3491, 2022”**

READ A FIRST TIME this ____ day of March, 2022.

READ A SECOND TIME this ____ day of March, 2022.

READ A THIRD TIME this ____ day of March, 2022.

FINALLY CONSIDERED AND ADOPTED ____ day of April, 2022.

Mayor

Corporate Administrator

BL 3491, 2022 SCHEDULE "A" CEMETERY FEES **From Prior Meeting &
For Reference Purposes Only.**

INTERMENT - Monday to Friday - 8:30 am to 3:00 pm (except Statutory holidays)				
Ground Burial	Cemetery Licence Fee	Interment Fee	TOTAL	Care Fund Included in Total
Large Plot	\$ 1,055.00	\$ 2,108.00	\$ 3,163.00	\$ 790.75
Small Plot	\$ 704.00	\$ 2,108.00	\$ 2,812.00	\$ 703.00
Cremation Plot	\$ 457.00	\$ 393.00	\$ 850.00	\$ 212.50
Cremated remains in Ossuary		\$ 309.00	\$ 309.00	\$ 77.25
Disinterment/Exhumation from Plot			\$ 3,394.00	\$ -
Cremated remains Disinterment from Plot			\$ 970.00	\$ -
Cremated remains Disinterment from Niche			\$ 970.00	\$ -
Columbarium	Cemetery Licence Fee	Interment Fee	TOTAL	Care Fund Included in Total
Niche - Level 1 (bottom)	\$ 3,551.00	\$ 309.00	\$ 3,860.00	\$ 386.00
Niche - Level 2	\$ 3,693.00	\$ 309.00	\$ 4,002.00	\$ 400.20
Niche - Level 3	\$ 4,118.00	\$ 309.00	\$ 4,427.00	\$ 442.70
Niche - Level 4 (top)	\$ 4,118.00	\$ 309.00	\$ 4,427.00	\$ 442.70
INTERMENT - Saturday				
Ground Burial	Cemetery Licence Fee	Interment Fee	TOTAL	Care Fund Included in Total
Large Plot	\$ 1,055.00	\$ 3,394.00	\$ 4,449.00	\$ 1,112.25
Small Plot	\$ 704.00	\$ 3,394.00	\$ 4,098.00	\$ 1,024.50
Cremation Plot	\$ 457.00	\$ 970.00	\$ 1,427.00	\$ 356.75
Cremated remains in Ossuary		\$ 970.00	\$ 970.00	\$ 242.50
Disinterment/Exhumation from Plot			\$ 4,364.00	\$ -
Cremated remains Disinterment from Plot			\$ 970.00	\$ -
Cremated remains Disinterment from Niche			\$ 970.00	\$ -
Columbarium	Cemetery Licence Fee	Interment Fee	TOTAL	Care Fund Included in Total
Niche - Level 1 (bottom)	\$ 3,551.00	\$ 970.00	\$ 4,521.00	\$ 452.10
Niche - Level 2	\$ 3,693.00	\$ 970.00	\$ 4,663.00	\$ 466.30
Niche - Level 3	\$ 4,118.00	\$ 970.00	\$ 5,088.00	\$ 508.80
Niche - Level 4 (top)	\$ 4,118.00	\$ 970.00	\$ 5,088.00	\$ 508.80
MEMORIALS AND SERVICES FEE			TOTAL	Care Fund Included in Total
Temporary Plot Mark			\$ 71.00	\$ -
Standard Plot Memorial Installation			\$ 231.00	\$ 46.00
Grave Liner (when not supplied)			\$ 250.00	\$ -
Niche Memorial Wreath or Portrait			at cost plus 15% admin fee	
Niche Memorial Nameplate Engraving			at cost plus 15% admin fee	
Niche Nameplate Installation			\$ 212.00	\$ 25.50
Niche Portrait Enclosure Installation			\$ 212.00	\$ 25.50
Supply and attach 2nd Date Bar			\$ 211.00	
Opening/Closing Niche by request			\$ 154.00	
Extra Plot Depth - charge for every two feet			\$ 588.00	
Interment after 3 pm - per hour or portion thereof			\$ 421.00	
Cemetery Licence Transfer Fee			\$ 155.00	
NON-RESIDENT: An additional charge of 30% will apply to all fees detailed above.				
All fees shown above are before applicable taxes.				



**From Prior Meeting &
For Reference Purposes Only.**

MARKET PLACE ROAD CLOSURE BYLAW NO. 3488, 2022

BEING A BYLAW TO CLOSE A PORTION OF MARKET PLACE ROAD ALLOWANCE

Pursuant to Section 40 of the *Community Charter*, Prince Rupert City Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

The Council of the City of Prince Rupert deems that it is in the public interest to close to traffic, remove the dedication of highway comprising of approximately .230 Hectares on Market Place dedicated on Plan 923, which is shown outlined in bold black on the reference plan prepared by McElhanney, on the 2 day of March, 2022, a reduced copy of which is attached hereto (*the "Road Closure Plan"*);

The City intends to close that portion of highway to consolidate and consolidate it to a neighbouring lot to facilitate the build of an RCMP detachment.

Notices of Council's intention to close that portion of highway to traffic, to remove its dedication as highway, and published in a newspaper and posted in the public notice posting place, and Council has provided an opportunity for persons who consider they are affected by the closure and disposition to make representations to Council; and

The Council of the City of Prince Rupert does not consider that the closure of the Closed Road will affect the transmission or distribution facilities or works of utility operators;

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

1. Attached to this Bylaw as Schedule "A" and forming part of this Bylaw is a reduced copy of the explanatory plan of highway closure (*the "Road Closure Plan"*).
2. The City hereby authorizes the closure to traffic and removal of highway dedication of the .230 Hectares portion of highway which was dedicated as

highway at the New Westminster Land Title Office by Plan 923, outlined in Bold on the Road Closure Plan (the "Closed Road").

3. On deposit of the Road Closure Plan and all other documentation for the closure of the road allowance in the New Westminster Land Title Office, the Closed Road is closed to public traffic, it shall cease to be public highway, and its dedication as a highway is cancelled.
4. The Mayor and Corporate Administrator are authorized to execute all deeds of land, plans and other documentation necessary to effect this road closure and disposition.
5. This Bylaw may be cited as **"MARKET PLACE ROAD CLOSURE BYLAW NO. 3488, 2022"**

READ A FIRST TIME this ____ day of _____, 2022.

READ A SECOND TIME this ____ day of _____, 2022.

PUBLIC NOTIFICATION this ____ day of _____, 2022.

MINISTRY OF TRANSPORTATION APPROVAL this ____ day
of _____, 2022 (APPROVAL NO. _____).

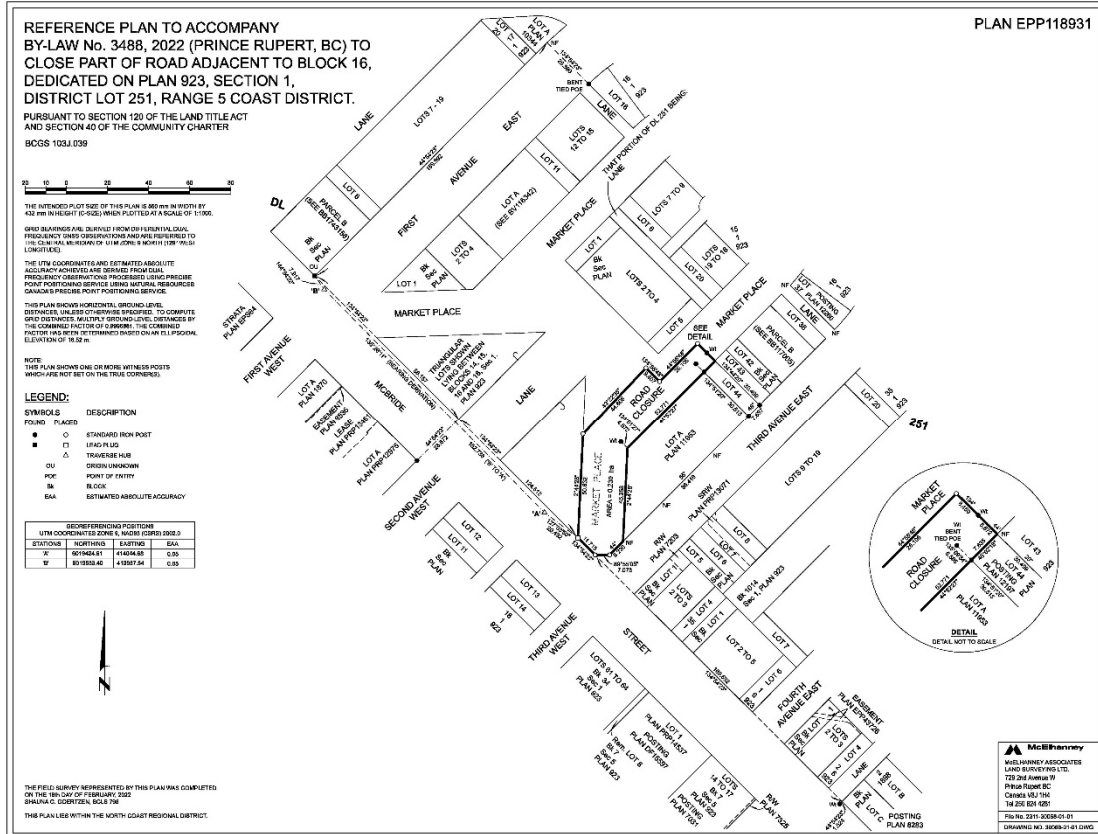
READ A THIRD TIME this ____ day of _____, 2022.

FINALLY CONSIDERED AND ADOPTED this ____ day of _____,
2022.

Mayor

Corporate Administrator

SCHEDULE "A" – ROAD CLOSURE PLAN (Explanatory) BYLAW NO. 3488, 2022





REPORT TO COUNCIL

Meeting of Council

DATE: April 11, 2022
TO: Mayor & Council
FROM: Robert Buchan, City Manager / Planner
SUBJECT: City of Prince Rupert Bylaw No. 3476, 2021

RECOMMENDATIONS:

THAT Council amend Bylaw 3476, 2021 at third reading as follows:

- a) adding “16 h) If a license has been suspended and the rental units occupants have been evicted due to the license suspension, any new license request for these units may be approved subject to the issues for the suspension being fully resolved to the satisfaction of the Inspector and all rental rates being the same as those legally in place prior to the eviction, and any tenant previously occupying said unit being given priority for reoccupying the units, and any moving costs being incurred by the occupants being paid for by the landlord.”
- b) Changing Section 10 to read: : “This section (section 10) does not apply to Single Family Dwelling Units, two family dwelling units or the secondary suites (if any) of those units”
- c) Adding “45 b) Rental owners may make an application to Council for an exemption to Section 44 subject to any Council exemption not relieving an applicant from any order or requirement imposed on the owner by provincial legislation or the Residential Tenancy Branch.”; and,
- d) Changing the first sentence of Section 44 to read: “This section (section 44) does not apply to Single Family Dwelling Units, two family dwelling units or the secondary suites (if any) of those units” or,
- e) Changing the first sentence of Section 44 to read: “This section (section 44) does not apply to any rental property with less than 10 rental units”.

REASON FOR REPORT:

The City has received some additional questions regarding the proposed Business Regulations and Licensing Bylaw No. 3476, 2021. This report responds to the questions and seeks Council’s direction for any potential amendments.

BACKGROUND:

The following comments and questions were raised regarding Bylaw 3476, 2021.

1. Re-housing is a huge issue for landlords and present a huge financial burden if people need to be accommodated in this manner.
 - a. Who would pay for the accommodation and moving costs, etc. What if there is nothing available.
2. Would like to see clarifying language on the implications or suspending a license. This could have unintended consequences such as owners doing this for the specific purpose of then proceeding to evict their tenants as they are not licensed to operate – which is what some landlords may do.
3. In the report to Council from September 20th it was stated that “Rental owners may also make an application to Council for an exemption which Council can consider on a case-by-case basis”. This language however was not included in the Bylaw.
4. While New West did win the court cases against this bylaw, in 2021 they did subsequently removed part 5 (our part 6) of the bylaw. Would we consider the same to stay in line?

Answers to these questions are as follows.

With regard to item 1, if temporary housing is required, the landlord is obligated to arrange for the temporary accommodation. However, the bylaw does not require the landlord to pay for that accommodation or for moving costs.

With regard to the question regarding suspension of a business licence and potential consequential evictions, this clause is currently drafted to only apply to duplex and multifamily units. Staff recommend amending the bylaw to only apply to multifamily units. In addition, the following clause is recommended to be added as 16 h) to the bylaw to address the scenario outlined in item 2 above.

“16 h) If a license has been suspended and the rental units occupants have been evicted due to the license suspension, any new license request for these units may be approved subject to the issues for the suspension being fully resolved to the satisfaction of the Inspector and all rental rates being the same as those legally in place prior to the eviction, and any tenant previously occupying said unit being given priority for reoccupying the units, and any moving costs being incurred by the occupants being paid for by the landlord.”

With regard to the language “Rental owners may also make an application to Council for an exemption which Council can consider on a case-by-case basis”. This can be address by adding language to Section 45 with the qualification that any Council exemption does not relieve an applicant from any order or requirement imposed on the owner by provincial legislation or the Residential Tenancy Branch.

With regard to Council excluding Part 5 – Building Renovations from the bylaw, we confirm that New Westminster did delete that part of their bylaw following the Province's recent legislation that added increased tenant protection. However, there are differences between the provisions in Part 5 of our bylaw and the province's new legislation.

Under the new legislation, If a landlord wishes to make major renovations to the property that requires the tenant to move out for an extended period or demolish the property, they are legally allowed to evict. In that case, the landlord must deliver a four-month eviction notice, according to the Residential Tenancy Act. The landlord can give two months' notice under the Act if they or their family are moving in. On July 2021, the Province adopted new additional renoviction provisions to help tenants, and as a result, New Westminster Council proceeded to repeal renoviction provisions of their tenancy bylaw. The new provincial provisions were as follows:

- Landlords will only be able to end a tenancy in situations where that is the only way to do necessary repairs or upgrades. In such cases, tenants will have a full four months' notice after the RT Board approves the application, no longer having to spend notice period of time disputing the eviction;
- The renovation work must be in good faith;
- The RT Board will have jurisdiction over evictions;
- In cases where a tenant has been evicted, but the landlord does not in good faith renovate or demolish or otherwise have a valid ground, the tenant may now receive compensation;
- For example, a landlord can end a tenancy because they or a family member will move into the unit. Before, if the landlord failed to follow through on that plan and a tenant sought compensation from their landlord, the burden was on the tenant to prove it. The amendment shifts the onus to the landlord to prove they have used the property for the stated purpose of ending the tenancy;
- If a landlord make repairs or improvements to a rental unit and want to apply a modest rent increase to pay for this, the landlord must now apply to the RT Board for approval;
- Tenants can participate in the hearing and submit evidence if they believe that the costs are ineligible. The improvements must be capital expenditures involving major systems or components integral to the residential property.

Section 44 of the City's bylaw (Restrictions on Evictions) adds additional eviction protection to the provincial requirements. It is the key renovation/eviction provision of the bylaw. The two main differences between the existing provincial legislation and the bylaw are that the landlord under the bylaw must:

- enter 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

- make 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 provide to the Inspector satisfactory documentation of the arrangements including evidence of the tenant's consent to the arrangements.

While the Province has given more protection to tenants, the City's bylaw has protections that are different from the Provincial provisions. If Council wishes to consider Section 44 to be wholly or partially unnecessary given the recent provincial legislation, it can either delete it entirely or make it only applicable to larger rental complexes. The concern here is that Section 44 may be onerous for smaller rental companies or owners. If this is a concern, then Council could include a provision that Section 44 does not apply to any rental properties with less than 10 (or some other number if Council wishes) rental units. At a minimum, staff are recommending that Section 44 be amended to not apply to Single Family or Two Family dwellings and any suites which are part of those units.

Conclusion

In considering the additional comments and questions, a number of amendments are proposed to be made to Bylaw 3476, 2021 at third reading.

Dr. Robert Buchan
City Manager / Planner

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~~ Section (section 10) does not apply to Single Family Dwelling Units, Two Family Dwelling Units or the secondary suites (if any) of those units.

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 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.

- h) If a license has been suspended and the rental units occupants have been evicted due to the license suspension, any new license request for these units may be approved subject to the issues for the suspension being fully resolved to the satisfaction of the Inspector and all rental rates being the same as those legally in place prior to the eviction, and any tenant previously occupying said unit being given priority for reoccupying the units, and any moving costs being incurrent by the occupants being paid for by the landlord.

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

This Section (section 44) does not apply to Single Family Dwelling Units, Two Family Dwelling Units or the Secondary Suites (if any) of those units. Further, this Section (section 44) does not apply to any rental property with less than 10 rental units.

- 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.
- c) Rental owners may make an application to Council for an exemption to Section 44 subject to any Council exemption not relieving an applicant from any order or requirement imposed on the owner by Provincial legislation or the Residential Tenancy Branch.

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)