



Regular Council

Monday, March 27, 2017

Place: Council Chambers
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Derek Dang
Councillor Carol Day
Councillor Ken Johnston
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves

Acting Corporate Officer – Claudia Jesson

Call to Order: Mayor Brodie called the meeting to order at 7:00 p.m.

RES NO. ITEM

MINUTES

R17/6-1 1. It was moved and seconded

That:

- (1) the minutes of the Regular Council meeting held on March 13, 2017, be adopted as circulated; and***
- (2) the minutes of the Regular Council meeting for Public Hearings held on March 20, 2017, be adopted as circulated; and***

CARRIED



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COMMITTEE OF THE WHOLE

- R17/6-2 2. It was moved and seconded
That Council resolve into Committee of the Whole to hear delegations on agenda items (7:01 p.m.).

CARRIED

3. Delegations from the floor on Agenda items.

Item No. 8 – Non-Farm use fill application for the property located at the eastern Terminus of Francis Road (PID:023-860-481) – Cranberry Meadows Farms Ltd.

Gordon Machin, Farmer, provided background on growing conditions and plans for improving the site and soils (to Grade 1) in order to instigate a change in crops from cranberry to grapes.

Lucas Machin, Vintner, discussed how siting and soils would meet the challenges of growing grapes in Richmond and his experience at a local vineyard to date.

In response queries from Council, Mr. G. Machin advised that organics would be added to the blend to ensure improvement to Class 1 grade soil.

Item No. 17 - Climate Action – Building Energy Benchmarking Policy Advocacy

Akua Schatz, Canadian Green Council, expressed support for energy benchmarking, considering it critical to reducing detrimental influences on the environment and citing benefits of tracking energy and water usage of Richmond buildings.

In accordance with Section 100 of the *Community Charter*, Councillor Carol Day declared herself to be in a conflict of interest with respect to Item No. 25 as her husband owns a bed and breakfast and left the meeting at 7:28 p.m.



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Item No. 25 – Revised Proposed Bylaws and Options for Short-Term Rentals

Andy Hobbs, Richmond resident, referred to the public package commenting on the good information and regulations for a well-managed, liveable sustainable city including restrictions to business opportunities within residential areas. He recommended limiting the ‘owner/occupant’ to the actual owner or grandparents; reducing the allowable number of bedrooms and occupants to two and four respectively.

Item No. 22 – Update on Agriculturally Zoned Land Housing Regulations, Consultation and Building Permit Activity

Michael Wolfe, 9731 Odlin Road, BC Green Party Candidate, Richmond-Queensborough, asked that consideration of Item 22 be deferred because the information from a meeting held that afternoon was not available and stated his general opposition to larger footprints for residential buildings on agricultural land.

Item No. 8 – Non-Farm use fill application for the property located at the eastern Terminus of Francis Road (PID:023-860-481) - Cranberry Meadows Farms Ltd.

Mr. Wolfe stated his opposition to sending this recommendation to the Agricultural Land Commission at this time. Mr. Wolfe noted the site was in a Sandhill Crane wet land habitat.

Item No. 9 – George Massey Tunnel Replacement Project – Analysis of Approved Environment Assessment Certificate

Mr. Wolfe stated his opposition to the proposed bridge design imposed on Richmond and discussed imminent shadow analyses.

Item No. 25 – Revised Proposed Bylaws and Options for Short-Term Rentals

Lyn ter Borg, 5860 Sandpiper Court, commented on the lack of follow up on enquiries made in discussions with staff and challenged the interpretation of the proposed bylaw wording related to rental of the entire home. Ms. ter Borg read from her submission (attached to and forming part of these minutes Schedule 1).



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Ms. ter Borg referred to a letter from Tourism and Chamber of Commerce requesting a simple, clear and reasonable process for B&B owner/operators and suggested signage be displayed indicating that the residence is an approved B&B operation.

Ms. ter Borg commented on the expanded definition of owner and recommended that it be limited to individual registered ownership.

Item No. 25 – Revised Proposed Bylaws and Options for Short-Term Rentals

Kathryn McCreary, 7560 Glacier Crescent, stated her support for Ms. ter Borg's views in regards to B&B operations and commented on the disruptive changing nature of her residential street with the influx of larger residences and home-based businesses. Ms. McCreary further commented on permanent residency standards and recommended that home-based businesses be run by immediate family and ensures that legal B&B's comply with Canadian tax rules. Ms. McCreary read from her submission (attached to and forming part of these Minutes as Schedule 2).

Councillor Day returned to the meeting (7:49 p.m.)

- R17/6-3 4. It was moved and seconded
 That Committee rise and report (7:49 p.m.).

CARRIED

CONSENT AGENDA

- R17/6-4 5. It was moved and seconded
 That Items No. 6 through No. 21 be adopted by general consent.

CARRIED

6. COMMITTEE MINUTES

That the minutes of:

- (1) the Community Safety Committee meeting held on March 14, 2017;*
- (2) the General Purposes Committee meeting held on March 20, 2017;*



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- (3) *the Planning Committee meeting held on March 21, 2017; and*
 - (4) *the Public Works and Transportation Committee meeting held on March 22, 2017;*
- be received for information.*

ADOPTED ON CONSENT

7. PROPOSED AMENDMENT TO TRAFFIC BYLAW NO. 5870

(File Ref. No. 12-8060-20-009689/9690) (REDMS No. 5327697 v. 3; 5288063; 5318895)

- (1) *That Traffic Bylaw No. 5870, Amendment Bylaw No. 9689 be introduced and given first, second and third readings; and*
- (2) *That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9690 be introduced and given first, second and third readings.*

ADOPTED ON CONSENT

8. NON-FARM USE FILL APPLICATION FOR THE PROPERTY LOCATED AT THE EASTERN TERMINUS OF FRANCIS ROAD (PID: 023-860-481) – CRANBERRY MEADOWS FARMS LTD.

(File Ref. No. 12-8350-05-CD42047) (REDMS No. 5304965; 5260072)

- (1) *That the application and corresponding staff report titled “Non-Farm Use Fill Application for the Property Located at the Eastern Terminus of Francis Road” (PID 023-860-481) – Cranberry Meadows Farms Ltd.”, dated March 1, 2017, by the Acting General Manager; Law and Community Safety be referred to the Agricultural Land Commission (ALC); and*
- (2) *That should the ALC grant approval, the applicant must satisfy all City and ALC requirements and obtain a soil deposit permit with conditions from the City prior to any soil being deposited on the property.*

ADOPTED ON CONSENT



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**9. GEORGE MASSEY TUNNEL REPLACEMENT PROJECT –
ANALYSIS OF APPROVED ENVIRONMENTAL ASSESSMENT
CERTIFICATE**

(File Ref. No. 10-6350-05-08; 10-6125-30-006) (REDMS No. 5315720 v. 4; 4998880)

- (1) That the City continue to reiterate its significant outstanding concerns to the Province regarding the George Massey Tunnel Replacement Project by sending a letter to the Premier of BC, the BC Minister of Transportation and Infrastructure, the Leader of the Opposition, local MLAs, local MPs, the federal Minister of the Environment, and the federal Minister of Transport requesting that the Ministry address the concerns that were not resolved through the Environmental Assessment Application process for the Project;*
- (2) That staff be directed to continue seeking mitigation of any potential negative impacts of the Project on Richmond and the region through participation in Working Groups and input into management plans required by the Environmental Assessment Certificate as well as on-going involvement in the design and construction phases and related permit processes; and*
- (3) That staff report back on the potential implications for extended delivery and pick-up hours within the City.*

ADOPTED ON CONSENT

**10. SPECIAL GENERAL MEETING OF THE LULU ISLAND ENERGY
COMPANY DISTRICT ENERGY ASSETS TRANSFER
CONSIDERATION VALUE RATIFICATION**

(File Ref. No. 01-0060-20-LIEC1) (REDMS No. 5333683; 5320416; 5328134)

That the ordinary resolution of the shareholder in Attachment 1 of the Lulu Island Energy Company report dated February 15, 2017 that ratifies the value of the district energy assets transferred to Lulu Island Energy Company (LIEC) be approved and adopted.

ADOPTED ON CONSENT



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11. **APPLICATION BY OPENROAD AUTO GROUP LTD. FOR A ZONING TEXT AMENDMENT TO THE “VEHICLE SALES (CV)” ZONE TO INCREASE THE MAXIMUM PERMITTED FLOOR AREA RATIO TO 0.70 FOR THE PROPERTY LOCATED AT 13100 SMALLWOOD PLACE**

(File Ref. No. 12-8060-20-009672; ZT 16-754143) (REDMS No. 5326902 v. 2; 2221494; 5272021)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9672, for a Zoning Text Amendment to the “Vehicle Sales (CV)” zone, to increase the maximum permitted Floor Area Ratio (FAR) to 0.70 for the property located at 13100 Smallwood Place, be introduced and given first reading.

ADOPTED ON CONSENT

12. **APPLICATION BY MICKEY CHOW FOR REZONING AT 9680 AQUILA ROAD FROM SINGLE DETACHED (RS1/E) TO RESIDENTIAL CHILD CARE (RCC)**

(File Ref. No. 12-8060-20-009685; RZ 16-743867) (REDMS No. 5286384 v. 2; 5308500)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9685, for the rezoning of 9680 Aquila Road from “Single Detached (RS1/E)” to “Residential Child Care (RCC)”, be introduced and given first reading.

ADOPTED ON CONSENT

13. **APPLICATION BY BROOK POONI ASSOCIATES INC. FOR A ZONING TEXT AMENDMENT TO THE LIGHT INDUSTRIAL (IL) ZONE TO PERMIT OUTDOOR STORAGE AT 16160 AND 16268 RIVER ROAD**

(File Ref. No. 12-8060-20-009697; RZ 15-707253) (REDMS No. 5333725; 2303774; 5334091)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9697, for a Zoning Text Amendment to the “Light Industrial (IL)” zone to permit “outdoor storage” at 16160 and 16268 River Road, be introduced and given first reading.

ADOPTED ON CONSENT



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14. **APPLICATION BY SUNCOR ENERGY INC. (PETRO-CANADA INC.) FOR A ZONING TEXT AMENDMENT TO THE GAS STATION COMMERCIAL (ZC15) – BROADMOOR AND IRONWOOD AREA TO PERMIT A DRIVE-THROUGH RESTAURANT AT 11991 STEVESTON HIGHWAY**

(File Ref. No. 12-8060-20-009698; ZT 14-656010) (REDMS No. 5336093; 5335931)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9698, for a Zoning Text Amendment to the “Gas Station Commercial (ZC15) – Broadmoor and Ironwood” zone to permit “Restaurant, drive-through” at 11991 Steveston Highway, be introduced and given first reading.

ADOPTED ON CONSENT

15. **TRANSLINK 2017 CAPITAL PROGRAM COST-SHARE SUPPLEMENTAL SUBMISSIONS**

(File Ref. No. 01-0154-04; 03-1000-03-106) (REDMS No. 5298006 v. 2)

- (1) *That the supplemental submission of pedestrian and bicycle improvement projects for cost-sharing as part of the TransLink 2017 Major Road Network and Bicycle Program as described in the report titled, “TransLink 2017 Capital Program Cost-Share Supplemental Submissions” dated February 22, 2017 from the Director, Transportation, be endorsed; and*
- (2) *That, should the above submissions be successful, the Chief Administrative Officer and General Manager, Planning and Development be authorized to execute the funding agreements and the 2017 Capital Plan and the 5-Year Financial Plan (2017-2021) be updated accordingly.*

ADOPTED ON CONSENT



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16. ICBC – CITY OF RICHMOND ROAD IMPROVEMENT PROGRAM – PROPOSED PROJECTS FOR 2017

(File Ref. No. 01-0150-20-ICBC1-01; 03-1000-03-006) (REDMS No. 5297022)

- (1) That the list of proposed road safety improvement projects, as described in Attachment 2 of the staff report titled “ICBC-City of Richmond Road Improvement Program – Proposed Projects for 2017,” dated February 15, 2017 from the Director, Transportation be endorsed for submission to the ICBC 2017 Road Improvement Program for consideration of cost sharing funding; and*
- (2) That should the above applications be successful, the Chief Administrative Officer and General Manager, Planning and Development be authorized to negotiate and execute the cost-share agreements, and that the 5-Year Financial Plan (2017-2021) be amended accordingly.*

ADOPTED ON CONSENT

17. CLIMATE ACTION – BUILDING ENERGY BENCHMARKING POLICY ADVOCACY

(File Ref. No. 10-6125-07-02 Xr: 01-0060-20-LMGA1; 01-0060-20-UBCMI-01; 01-0157-20-CLIM1; 01-0060-20-RFBC1; 01-0150-20-BCHY1; 10-6125-00) (REDMS No. 4859414 v.8)

That, as described in the staff report titled “Climate Action – Building Energy Benchmarking Policy” from Director, Engineering, dated February 23, 2017:

- (1) a resolution be forwarded to the Lower Mainland Local Government Association and the Union of BC Municipalities calling for the province to establish requirements for energy benchmarking of large buildings;*
- (2) a letter be sent to the Chair of Metro Vancouver’s Climate Action Committee calling on Metro Vancouver to lead the development of a regional benchmarking program;*



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- (3) *the Chief Administrative Officer and the General Manager, Engineering and Public Works be authorized to execute funding and partnership agreements with the Real Estate Foundation of BC and BC Hydro to develop benchmarking policy analysis and automated utility data exchange capabilities, and that amendments to the 5 Year Financial Plan (2017-2021) Bylaw be brought forward for up to \$155,000 in expenditures, subject to successful grant applications up to \$140,000 to be covered by grant funding and a \$15,000 City contribution from the Carbon Tax Provision; and*
- (4) *staff be directed to report back to Council options to establish building energy benchmarking policy for larger buildings in Richmond as a pilot measure.*

ADOPTED ON CONSENT

18. LOWER MAINLAND FLOOD MANAGEMENT STRATEGY UPDATE
(File Ref. No. 10-6060-01; 10-6150-05-01) (REDMS No. 5329704)

That the City of Richmond commits to continue participation in the Lower Mainland Flood Management Strategy for a further two years.

ADOPTED ON CONSENT

19. 2017 LIQUID WASTE MANAGEMENT PLAN BIENNIAL REPORT
(File Ref. No. 10-6060-03-01; 10-6400-09-01) (REDMS No. 5303404; 5272713)

That the staff report titled "2017 Liquid Waste Management Plan Biennial Report," dated February 24, 2017, from the Director, Engineering be submitted to Metro Vancouver.

ADOPTED ON CONSENT



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20. 2017 CLOTHES WASHER REBATE PROGRAM

(File Ref. No. 10-6060-01; 03-1000-05-211; 10-6650-02) (REDMS No. 5285107)

- (1) *That the City of Richmond partner with BC Hydro to the end of 2017 to offer rebates of up to \$200, equally cost shared between BC Hydro and the City, for the replacement of inefficient clothes washers with new high efficiency clothes washers;*
- (2) *That the scope of the existing Toilet Rebate Program funding be expanded to include clothes washer rebates; and*
- (3) *That the Chief Administrative Officer and General Manager, Engineering and Public Works, be authorized to execute an agreement with BC Hydro to implement the Clothes Washer Rebate Program.*

ADOPTED ON CONSENT

21. SERVICING AGREEMENT WITH YYH DEVELOPMENT LTD. FOR 6340 NO. 3 ROAD

(File Ref. No. 10-6060-01; 03-1000-03-112) (REDMS No. 5323478)

- (1) *That the City enter into a servicing agreement with YYH Development Ltd. to remove and replace an ageing City sanitary sewer main located on their property at 6340 No. 3 Road;*
- (2) *That the existing statutory rights-of-way (SRW), Registration No. A18319, 288432C, 288922C, and 52405, registered to 6340 No. 3 Road (Lot 169 Section 9 Block 4N Range 6W New Westminster Plan 41547) be discharged in its entirety; and*
- (3) *That the Chief Administrative Officer and the General Manager, Engineering and Public Works, be authorized to execute the above recommendations.*

ADOPTED ON CONSENT

CONSIDERATION OF MATTERS REMOVED FROM THE
CONSENT AGENDA



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NON-CONSENT AGENDA ITEMS

GENERAL PURPOSES COMMITTEE –

Mayor Malcolm D. Brodie, Chair

22. **UPDATE ON AGRICULTURALLY ZONED LAND HOUSING REGULATIONS, CONSULTATION AND BUILDING PERMIT ACTIVITY**

(File Ref. No. 08-4057-10; 08-4430-03-07) (REDMS No. 5346368 v. 13)

R17/6-5

It was moved and seconded

Whereas section 463 of the Local Government Act allows the withholding of building permits that conflict with bylaws in preparation; and

Whereas Council directed staff to conduct public consultation regarding house size, farm home plate and setbacks, including residential accessory buildings,

- (1) That staff be directed to prepare for Council's consideration a bylaw to limit house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones; and*
- (2) That staff bring all building permit applications for residential development, including residential accessory buildings, in the Agriculture (AG) zones received more than 7 days after the passage of resolution #1 to Council, to determine whether such applications are in conflict with the proposed bylaw to limit house size, farm home plate and setbacks, including residential accessory buildings in the Agriculture (AG) zones.*

The question on the motion was not called due to the introduction of a tabling motion.



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It was moved and seconded

That the proposed resolution in the staff report titled "Update on Agriculturally Zoned Land Housing Regulations, Consultation and Building Permit Activity" be tabled to the next Council Meeting of April 10, 2017.

DEFEATED

Opposed: Mayor Brodie
Cllrs. Dang
Day
Johnston
McNulty
McPhail
Steves

Prior to calling the question, discussion ensued regarding the upcoming process and next steps for staff reporting back.

The question on Resolution R17/6-5 was then called and it was **CARRIED** with Cllr. Loo opposed.

PLANNING COMMITTEE –
Councillor Linda McPhail, Chair

23. **APPLICATION BY ANTHEM PROPERTIES GROUP LTD. FOR REZONING AT 10475, 10491, 10511, 10531, 10551, 10571, 10591 AND 10631 NO. 5 ROAD FROM "SINGLE DETACHED (RS1/E)" ZONE TO "MEDIUM DENSITY TOWNHOUSES (RTM3)"**

(File Ref. No. 12-8060-20-009687; RZ-16-726337) (REDMS No. 5228881; 5327032)

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9687, for the rezoning of 10475, 10491, 10511, 10531, 10551, 10571, 10591 and 10631 No. 5 Road from "Single Detached (RS1/E)" zone to "Medium Density Townhouses (RTM3)" zone, be introduced and given first reading.



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The question on the motion was not called as discussion took place regarding the possible addition of secondary suites and possible relaxations or incentives to provide moderately affordable housing options (addition of a minimum of six rental suites).

Concern was expressed that the laneway was not used for vehicular access and that there was only one point of entry to the site. Staff advised that the design was in response to extensive public consultation that indicated existing residences did not want multi-family access through the rear laneway.

In response to a question from Council, staff commented that the proposed access route was similar to other developments along Steveston Highway, with the interior road connected from complex to complex and it is a model that has been successful in the neighbourhood.

As a result of the discussion, the following **referral motion** was introduced:

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9687, for the rezoning of 10475, 10491, 10511, 10531, 10551, 10571, 10591 and 10631 No. 5 Road from "Single Detached (RS1/E)" zone to "Medium Density Townhouses (RTM3)" zone, be referred to staff to investigate the possibility of including market rental units being part of the development and examine potential entrances into the proposed development.

DEFEATED

Opposed: Cllrs. Day

Dang

Johnston

McPhail

Steves



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A further **referral motion** was introduced:

R17/6-6

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9687, for the rezoning of 10475, 10491, 10511, 10531, 10551, 10571, 10591 and 10631 No. 5 Road from "Single Detached (RS1/E)" zone to "Medium Density Townhouses (RTM3)" zone, be referred to staff to investigate the possibility of including secondary suites.

CARRIED

Opposed: Cllr Loo

24. APPLICATION BY KRAHN ENGINEERING LTD. FOR A ZONING TEXT AMENDMENT TO THE "LIGHT INDUSTRIAL (IL)" ZONE FOR A SITE AT 9920 RIVER DRIVE

(File Ref. No. 12-8060-20-009694; ZT 16-753545) (REDMS No. 5331834 v. 2; 5331827)

R17/6-7

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9694, for a Text Amendment to the "Light Industrial (IL)" zone to allow "non-accessory parking" on a site-specific basis for the property at 9920 River Drive, be introduced and given first reading.

The question on the motion was not called as discussion took place regarding other possible land available for this proposed use.

In response to a query from Council, staff stated they could not comment on the impact to parking at the airport should the SkyTrain service to Langley be available.

The question on Resolution 17/6-7 was then called and it was **CARRIED** with Cllr. Steves opposed.



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FINANCE AND CORPORATE SERVICES DIVISION

25. REVISED PROPOSED BYLAWS AND OPTIONS FOR SHORT-TERM RENTALS

(File Ref. No. 08-4430-03-12; 12-8060-20-9691/9647/9692/9649/9650/9651/9652) (REDMS No. 5340970 v. 5; 5324334; 5221655; 5285428; 5323398; 5327463; 5330921; 5327641; 5327538; 5327683; 5327968; 5314950; 5329717; 5329719; 5285428; 5342861; 5329722; 5341501; 5324903; 5328066; 5339923; 5340131; 5339925; 5339922)

In accordance with Section 100 of the *Community Charter*, Councillor Carol Day declared herself to be in a conflict of interest with respect to Item No. 25 as her husband owns a bed and breakfast and left the meeting at 9:33 p.m.

R17/6-8

It was moved and seconded

In respect to bed and breakfast ("B&B") uses in single-family and agricultural zones, implementing a distance buffer between B&B establishments, requiring that the B&B is the primary residence of the owner-operator and to the enhanced enforcement of such short-term rental regulation:

- (1) That Official Community Plan Bylaw 9000, Amendment Bylaw 9691, which amends Official Community Plan Bylaw 9000 by adding a provision for a 500 meter buffer between B&B establishments be introduced and given first reading;*
- (2) That Bylaw 9691, having been considered in conjunction with:*
 - (a) the City's financial plan and capital program; and*
 - (b) the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;**is hereby found to be consistent with said program and plans in accordance with section 477(3)(a) of the Local Government Act;*
- (3) That Bylaw 9691 be sent to the Agricultural Land Commission for comment;*



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- (4) *That Bylaw 9691, having been considered in accordance with section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation;*
- (5) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9647 to amend definitions, be introduced and given first reading;*
- (6) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9692 to require a distance buffer between B&Bs, be introduced and given first reading;*
- (7) *To incorporate enhanced business licencing requirements and increase fees and penalties, that:*
 - (a) *Business Regulation Bylaw No. 7538, Amendment Bylaw No. 9649;*
 - (b) *Business Licence Bylaw No. 7360, Amendment Bylaw No. 9650;*
 - (c) *Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 9651; and*
 - (d) *Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9652;**each be introduced and given first, second and third readings;*
- (8) *That the proposed communication plan described in Attachment 3 of this report explaining the proposed changes (identified in the above recommendation) to the short-term rental regulations be endorsed;*
- (9) *That:*
 - (a) *the information regarding tax requirements including whether a hotel tax should apply to short-term rentals provided in this report be received for information; and*
 - (b) *staff be directed to engage the Province of British Columbia to discuss regulatory changes to the Provincial Sales Tax in regards to the Municipal and Regional District Tax, including the definition of accommodation providers;*



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- (10) *That staff conduct a one-year review of the City's proposed short-term rental regulation, and include issues surrounding a requirement for the operator of the short-term rental to be the owner of the property and report back to Council;*
- (11) *That staff consider options and report back on the issue of short-term rentals for multi-family dwellings; and*
- (12) *That staff formulate a robust public engagement process to address additional options and regulatory and enforcement gaps for future consideration.*

The question on the motion was not called and discussion ensued regarding the requirement that operators be restricted to be owners or an immediate family member.

Staff provided further clarification on questions from Council, including the following:

- Specific requirements for a B&B to be operated by owner or immediate family members;
- The recommendation of limitation to three rooms;
- Expanding restrictions to B&B's with respect to boarders and lodgers, secondary suites, code of conduct and liability insurance;
- Increased ability to ticket for non-compliance (ticket fines from \$250.00 to \$1,000 per day);
- The 500 metre buffer required between new B&B operations;
- Confirmation that a dwelling with a secondary rental suite cannot also be used as a B&B;
- If the owner sells the land, a new application for the operation of a home-based B&B would be required from the new owner; and
- Requirement of proof of ownership.

As a result of the discussion, the following **amendment motion** was introduced:



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R17/6-9

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9647 be amended provided that the definition of family member exclude subsections (d), (e) and (f); and

That Recommendation 13 be included to read:

That staff review and analyze short-term rental premises as fully relate to Agricultural Land Reserve.

CARRIED

Opposed: Cllrs. Johnston

Loo

The question was then called on Resolution R17/6-8, as amended per Resolution R17/6-9, which reads as follows:

In respect to bed and breakfast ("B&B") uses in single-family and agricultural zones, implementing a distance buffer between B&B establishments, requiring that the B&B is the primary residence of the owner-operator and to the enhanced enforcement of such short-term rental regulation:

- (1) *That Official Community Plan Bylaw 9000, Amendment Bylaw 9691, which amends Official Community Plan Bylaw 9000 by adding a provision for a 500 meter buffer between B&B establishments be introduced and given first reading;*
- (2) *That Bylaw 9691, having been considered in conjunction with:*
 - (a) *the City's financial plan and capital program; and*
 - (b) *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;*

is hereby found to be consistent with said program and plans in accordance with section 477(3)(a) of the Local Government Act;
- (3) *That Bylaw 9691 be sent to the Agricultural Land Commission for comment;*



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- (4) *That Bylaw 9691, having been considered in accordance with section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation;*
- (5) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9647 to amend definitions, be introduced and given first reading with the amendment that the definition of family member exclude subsections (d), (e), and (f);*
- (6) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 9692 to require a distance buffer between B&Bs, be introduced and given first reading;*
- (7) *To incorporate enhanced business licencing requirements and increase fees and penalties, that:*
 - (a) *Business Regulation Bylaw No. 7538, Amendment Bylaw No. 9649;*
 - (b) *Business Licence Bylaw No. 7360, Amendment Bylaw No. 9650;*
 - (c) *Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 9651; and*
 - (d) *Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9652;*
each be introduced and given first, second and third readings;
- (8) *That the proposed communication plan described in Attachment 3 of this report explaining the proposed changes (identified in the above recommendation) to the short-term rental regulations be endorsed;*
- (9) *That:*
 - (a) *the information regarding tax requirements including whether a hotel tax should apply to short-term rentals provided in this report be received for information; and*
 - (b) *staff be directed to engage the Province of British Columbia to discuss regulatory changes to the Provincial Sales Tax in regards to the Municipal and Regional District Tax, including the definition of accommodation providers;*



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- (10) *That staff conduct a one-year review of the City's proposed short-term rental regulation, and include issues surrounding a requirement for the operator of the short-term rental to be the owner of the property and report back to Council;*
- (11) *That staff consider options and report back on the issue of short-term rentals for multi-family dwellings;*
- (12) *That staff formulate a robust public engagement process to address additional options and regulatory and enforcement gaps for future consideration; and*
- (13) *That staff review and analyze short-term rental premises as fully relate to Agricultural Land Reserve.*

was **CARRIED**.

Councillor Day returned to the meeting (10:02 p.m.).

PUBLIC ANNOUNCEMENTS

Mayor Brodie announced that William Ng was the newly assigned Superintendent of the RCMP and made note of the following community events:

- Wellness Fair;
- Spirit of Cherry Blossom celebration;
- Gateway Theatre new performance, Watershed;
- Lulu Series Art in the City;
- New Art Gallery Exhibits; and
- The 100th Anniversary of the Battle of Vimy Ridge ceremony on April 9, 2017.

Councillor McNulty announced that Friends of the Richmond Library had raised over \$6,000 for the library and acknowledged their efforts in holding a successful fundraiser.



Regular Council
Monday, March 27, 2017

BYLAWS FOR ADOPTION

R17/6-10

It was moved and seconded

That the following bylaws be adopted:

*Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment
Bylaw No. 8992*

Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9561

CARRIED

DEVELOPMENT PERMIT PANEL

R17/6-11 26.

It was moved and seconded

(1) *That the minutes of the Development Permit Panel meeting held on
February 15, 2017 and the Chair's report for the Development
Permit Panel meetings held on October 26, 2016, and November 30,
2016, be received for information; and*

(2) *That the recommendations of the Panel to authorize the issuance of:*

(a) *a Development Permit (DP 16-727168) for the property at 7311
No. 5 Road; and*

(b) *a Development Variance Permit (DV 15-717479) for the
property at 10691 Bromfield Place;
be endorsed, and the Permits so issued.*

CARRIED

ADJOURNMENT

R17/6-12

It was moved and seconded

That the meeting adjourn (10:15 p.m.).

CARRIED



**Regular Council
Monday, March 27, 2017**

Certified a true and correct copy of the
Minutes of the Regular meeting of the
Council of the City of Richmond held on
Monday, March 27, 2017.

Mayor (Malcolm D. Brodie)

Acting Corporate Officer (Claudia Jesson)

To: City Council March 27/~~28~~ 2017
Re: Short Term Rentals

Last Council meeting, the Mayor asked Cecilia Achiam, Director, Administration and Compliance if the short term B&B regulations allowed the whole of the house to be rented?

He has asked this question before and I have raised the question at every meeting and opportunity since January.

I reviewed the tapes of the March 13 council meeting at the 1:29 to 1:30 minutes... Ms. Achiam provides a wrong answer to the Mayor, yet again. She said the whole house can not be rented, yet the **residential rental accommodation** definition she has added to this Bylaw says this "means the accommodation of guests in all or a portion of a dwelling..."

This is contrary to the Zoning Bylaw 8500 for Residential Zones. Bed and Breakfasts are Secondary Uses. Allowing ALL of a dwelling for residential rental accommodation is against the Zoning Bylaw, and against the OCP.

submitted by
Lyn ter Borg

8. Residential Zones

8.1 Single Detached (RS1/A-H, J-K; RS2/A-H, J-K) [Bylaw 8672, Jan 24/11]

8.1.1 Purpose

The **zone** provides for **single detached housing** with a range of compatible **secondary uses**. **Subdivision** standards vary by sub-categories (A-H; J-K). The **zone** is divided into sub-zones: RS1 for traditional **single detached housing**; RS2 which provides for a **density bonus** that would be used for rezoning applications in order to help achieve the City's affordable housing objectives. [Bylaw 8672, Jan 24/11]

8.1.2 Permitted Uses

- housing, single detached

8.1.3 Secondary Uses

- boarding and lodging
- community care facility, minor
- home business
- secondary suite
- bed and breakfast

8.1.4 Permitted Density

1. The maximum density is one principal dwelling unit per lot.
2. For **single detached housing** zoned RS1/A-H, J-K [Bylaw 8672, Jan 24/11], the maximum **floor area ratio** is 0.55 applied to a maximum of 464.5 m² of the **lot area**, together with 0.30 applied to the balance of the **lot area** in excess of 464.5 m².
3. For **single detached housing** zoned RS2/A-H, J-K, the maximum **floor area ratio** is 0.40 applied to a maximum of 464.5 m² of the **lot area**, together with 0.30 applied to the balance of the **lot area** in excess of 464.5 m².
4. Notwithstanding Section 8.1.4.3, the reference to "0.4" is increased to a higher **density** of "0.55" if:
 - a) the building contains a secondary suite; or
 - b) the **owner**, at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the RS2/A-H, J-K **zone**, pays into the **affordable housing reserve** the sum specified in Section 5.15 of this bylaw.
5. Further to Section 8.1.4.4, the reference to "0.4" in Section 8.1.4.3 is increased to a higher **density** of "0.55" if:
 - a) an **owner** subdivides bare land to create new **lots** for **single detached housing**; and
 - b)
 - i) 100% of the **lots** contain **secondary suites**; or [Bylaw 9641, Jan 16/17]
 - ii) at least 50% of the **lots** contain a **secondary suite** and the **owner**, at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the RS2/A-H, J-K **zone**, pays into the **affordable housing reserve** the sum specified in Section 5.15 of this bylaw for the **floor area** permitted on any **lot** not containing a **secondary suite**; or [Bylaw 9641, Jan 16/17]



**Business Regulation Bylaw No. 7538,
Amendment Bylaw No. 9649**

The Council of the City of Richmond enacts as follows:

1. **Business Regulation Bylaw No. 7538**, as amended, is further amended by deleting Part 22 and replacing it with the following:

**"PART TWENTY-TWO: BED & BREAKFAST ESTABLISHMENT
REGULATIONS**

- 22.1. Without first obtaining a **licence** for a **bed and breakfast establishment**, persons must not provide guests with **residential rental accommodation** for rental periods of less than 30 days.
- 22.2 **Bed and Breakfast Establishments** shall be subject to the following regulations:
 - 22.2.1. the premises must be the **operator's principal residence**;
 - 22.2.2. the **operator** must be an **individual registered owner** of the premises or a **family member** of the **individual registered owner** of the premises;
 - 22.2.3. the **operator** must permit the **City's Licence Inspector** to inspect the operator's guest register maintained pursuant to the *Hotel Guest Registration Act* to determine whether the applicable zoning bylaw restrictions on the number of guests permitted in the premises are being complied with;
 - 22.2.4. the **operator** must prepare a fire evacuation plan showing the location of exits, fire extinguishers and smoke detectors, install and maintain the fire safety equipment, and post a copy of the fire evacuation plan in each bedroom used for guest accommodation; and
 - 22.2.5. the **operator** must not provide or install any equipment or facilities used for the preparation of food in any bedroom or sleeping unit used for guest accommodation."

*
see
NEW
definition
page
CNCL
541

2. **Business Regulation Bylaw No. 7538**, as amended, is further amended at Part 23 by deleting Section 23.1 and replacing it with the following:

“23.1 Any **licencee, operator**, or any other person who:

- (a) violates or contravenes any provision of this bylaw, or who causes or allows any provision of this bylaw to be violated or contravened; or
- (b) fails to comply with any of the provisions of this bylaw; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw or the **Business Licence Bylaw**; or
- (d) fails to maintain the standard of qualification required for the issuing of a **licence**; or
- (e) makes any false or misleading statement,

commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.”.

3. **Business Regulation Bylaw No. 7538**, as amended, is further amended at Section 26.1 by:

- (a) adding the following as the definition of “**boarding and lodging**” in alphabetical order:

“**boarding and lodging** means **boarding and lodging** as defined in the City’s zoning bylaw.”;

- (b) adding the following as the definition of “**community care facility**” in alphabetical order:

“**community care facility** means a **community care facility** as defined in the City’s zoning bylaw.”;

- (c) adding the following as the definition of “**dormitory**” in alphabetical order:

“**dormitory** means a **dormitory** as defined in the City’s zoning bylaw.”;

- (d) adding the following as the definition of “**dwelling**” in alphabetical order:

“**dwelling** means a dwelling as defined in the City’s zoning bylaw.”;

- (e) adding the following as the definition of “**family member**” in alphabetical order:

“**family member** means a family member as defined in the City’s zoning

bylaw.”;

- (f) adding the following as the definition of “**individual registered owner**” in alphabetical order:

“**individual registered owner** means an individual registered owner as defined in the City’s zoning bylaw.”;

- (g) adding the following as the definition of “**principal residence**” in alphabetical order:

“**principal residence** means a principal residence as defined in the City’s zoning bylaw.”; and

- (h) adding the following as the definition of “**residential rental accommodation**” in alphabetical order:

“**residential rental accommodation** means the accommodation of guests in all or a portion of a dwelling, with or without food service, but excludes accommodation that is a boarding and lodging, community care facility, or dormitory.”;

4. This Bylaw is cited as “**Business Regulation Bylaw No. 7538, Amendment Bylaw No. 9649**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

not permitted by zoning or BCP

CITY OF RICHMOND
APPROVED for content by originating Division 
APPROVED for legality by Solicitor 

Tourism Richmond & Chamber of Commerce
support regulation of short term rentals by:

Keep it simple, clear, and reasonable for compliance and enforcement.

Would like to see:

Definitions:

Need to see: requirement for owner applicant to be in residence during BB operation

"OWNER OPERATOR"

"OWNER OCCUPIED DWELLING UNIT"

"LICENSED OWNER OPERATORS"

How do you deal with extended absences, for vacation homes for real owners, astronaut breadwinners ... who is really manning the rentals when the enforcement officer knocks on the door.

ADDITIONAL Recommendations:

1. Display signage showing city approved B&B
- 2 Solicitation and Advertising shall include permit #
3. Owner operator available by phone locally when not on site.

March 10, 2017

Mayor and Council
City of Richmond
6911 No. 3 Road
Richmond BC V6Y 2C1
Canada

Dear Mayor and Council,

RE: SHORT TERM ROOM RENTAL POLICY

Thank you for your thoughtful consideration and time spent on the discussions regarding the future of short term room rentals in Richmond. The emergence of the 'sharing economy' has forced policy makers at all levels of government, and organizations like ours, to evolve as the internet continues to transform our modern society. As the leading voices for tourism providers and businesses in Richmond, we have an interest in ensuring that any new policy frameworks for dealing with these new options for personal accommodations is in the best interests of our joint constituents.

In Richmond we are in the unique position of having a thriving accommodations sector that has for the past three years led the country in hotel occupancy rates. The demand for hotel rooms will remain undiminished in our view for the foreseeable future. What we are concerned with is the visitor experience and ensuring a level playing field for traditional operators and new 'sharing economy' providers. With the advent of services like Airbnb, VBRO, HomeAway, and FlipKey, which have become an integral part of global cities during the past decade, we now function in a new reality which seeks forward solutions regarding how we should adjust and co-exist with such services.

The 'sharing economy' is here to stay: *an economic system of decentralized networks and marketplaces that unlocks the value of underused assets by matching needs and haves, in ways that often bypass traditional providers.* We must collectively find policy solutions which are acceptable and fair to all stakeholders, and constituents. Both Tourism Richmond and the Richmond Chamber of Commerce are of the view that:

1. We need simple, streamlined bylaws that will prevent the increase of illegal short term rentals, rather than prohibit them.
2. That there should be a clear policy distinction between the following three issues:
 - a. Short term rentals
 - b. Inadequate rental stock
 - c. Proliferation of 'illegal hotels' in Richmond

1. Short Term Room Rental Policy

We believe that the issue of short term rentals can be managed with simple, balanced public policy directives. We are in favor of a policy framework that addresses the following issues:

- Ensure a level playing field for all accommodation providers, including balanced tax, health and safety standards
- Provide short term rental providers an expeditious and reasonable process for compliance, while maintaining standards for customers

In order to achieve these two objectives, we believe there are a number of existing policy solutions that have been applied in other jurisdictions, which are worthy of examination for Richmond:

- Short term rental exclusions:
 - Excluding designated areas such as ALR land
 - Creating a short term rental free zone around existing hotels
- Imposing a reasonable limit to the number of separate room listings per host, and a reasonable limit to the number of guests allowed to stay per listing
- Creating a new 'Private Rental' permit category which ensures appropriate/transparent taxes are collected to maintain a level playing field for all accommodations stakeholders
- Online licensing application process for short term room rental hosts, potentially streamlined directly with online hosting providers. Licensed operators would be required to display an "Approved" notice on their listing

It must be stated that both Tourism Richmond and the Richmond Chamber of Commerce recognize that the provincial government plays an important role in enacting policies and regulations that govern 'sharing economy' operators. Both our respective organizations look forward to working with city staff to identify policy gaps and to advocate for necessary updates to current provincial legislation.

2. Corresponding Tangential Issues: Rental Stock Shortage and "Illegal Hotels"

We believe that in the formation of short term room rental policy, it is important to make a distinction between this issue and inadequate rental stock, as well as the proliferation of 'illegal hotels' in Richmond:

- The matter of **rental stock** for longer term housing is an issue that is consuming not only Richmond but our region as a whole. This serious problem requires collaboration from all levels of government. Our analysis of Airbnb data from Richmond does not suggest that home sharing is a significant local contributor to this problem. Of the 400 Airbnb listings currently in Richmond, the average stay is 3.6 nights, and the average annual income for Richmond hosts is \$5,900 per year. This suggest that Airbnb hosts are not favoring short

term rentals in lieu of long term arrangements and is not a driving factor in the current lack of rental stock in Richmond.

- In regards to **illegal hotels**, our opinion is that bylaws and steep fines are required to address this issue as these operations present serious health and safety issues and are not acceptable in residential neighborhoods. We believe that a restriction on the number of listings per short term rental provider, as well as restrictions on homes located on ALR land, could be a means of addressing "illegal hotels", accompanied with strict and enforced penalties.

In closing, Tourism Richmond and the Richmond Chamber of Commerce thank you for considering our suggestions and look forward to working with Council and staff to find a workable solution regarding short term rentals for our members and the community at large.

Sincerely,



Eda Koot
Chair, Board of Directors
Tourism Richmond



Rob Akimow
Chair, Board of Directors
Richmond Chamber of Commerce



Cc:

George Duncan, Chief Administrative Officer, City of Richmond
Cecilia Achiam, Director, Administration and Compliance, City of Richmond
Neonila Lilova, Economic Development Manager, City of Richmond
Carli Edwards, Chief Licence Inspector, City of Richmond
Linda Reid, MLA for Richmond-East
John Yap, MLA for Richmond-Steveston
Teresa Wat, MLA for Richmond-Centre

The Income Tax Act's definition for family unit and principal residence is for:

the owner, the owner's spouse or common-law partner, and children (under 18 years of age)

... if we are now proposing by this new proposed bylaw to extend the family members to include the owner's parents and possibly now the owner's adult children... Absurdly...WHY is there a need to extend family to include the owners grandparents and or the owners grandchildren?



**Richmond Zoning Bylaw No. 8500
Amendment Bylaw No. 9647**

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

1. Richmond Zoning Bylaw No. 8500, as amended, is further amended at Section 3.4:

- a. by deleting and replacing the definition of **Agri-tourist accommodation** with the following:

**"Agri-tourist
accommodation**

means accommodation for an **agri-tourist operation** on a farm, limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or the short-term use of **bedrooms**."

- b. by adding the following definition after the definition of "**exhibition & convention facilities**":

"Family member

means, with respect to a person:

- a) the person's spouse;
- b) the person's child;
- c) the person's spouse's child;
- d) the person's parent, or the person's spouse's parent;
- e) the person's grandparent, or the person's spouse's grandparent; or
- f) the person's grandchild, or the person's spouse's grandchild."

- c. by adding the following definition after the definition of "**hutch**":

**"Individual
registered owner**

means with respect to land, any individual person who is:

- a) the registered owner of an estate in fee simple; or
- b) the tenant for life under a registered life estate."

d. by adding the following definition after the definition of “open space”:

“**Operator** means the person who operates the **bed and breakfast**.”; and

e. by adding the following definition after the definition of “premises”:

“**Principal residence** means a **dwelling** in which an **operator** ordinarily resides. A person can only have one **principal residence**.”.

2. Richmond Zoning Bylaw No. 8500, as amended, is further amended at Section 5.5:

a. by deleting subsection 5.5.2 and replacing it with the following:

“5.5.2. A **bed and breakfast use** is not permitted in a **single detached housing dwelling unit** or on a lot that contains a **secondary suite**, a **granny flat**, or a **coach house**, or a **boarding and lodging**, **minor community care facility**, **agri-tourist accommodation**, or **child care home business use**.”;

b. by deleting subsection 5.5.3 and replacing it with the following:

“5.5.3. A **bed and breakfast use** is permitted only in a **single detached housing dwelling unit** that is the **principal residence** of the **operator**, where the **operator** is an individual and not a corporation.

5.5.3A. A **bed and breakfast use** is permitted only in a **single detached housing dwelling unit** where the **operator** is the **individual registered owner** of the **dwelling** or the **individual registered owner’s family member**.”; and

c. by inserting the following as a new subsection 5.5.5A. following 5.5.5.:

“5.5.5A. **Bed and breakfast use** of a **single detached housing dwelling unit** is limited to accommodation of a maximum of 6 **guests** at one time.”.

3. Richmond Zoning Bylaw No. 8500, as amended, is further amended by adding the following after Section 5.19 as new Section 5.20:

“5.20 Short Term Rental of Dwelling Units

5.20.1 No person shall use or permit to be used any **dwelling unit**, or portion thereof, for accommodation for a period of less than thirty (30) days unless such **dwelling unit** forms part of a **hotel** or a **motel**, or is used for **boarding and lodging**, **agri-tourist accommodation**, **community care facility**, **dormitory**, or **bed and breakfast use** in compliance with all applicable bylaws.”

4. Richmond Zoning Bylaw No. 8500, as amended, is further amended:

a. at section 14.1.3 by deleting “**agri-tourist accommodation**”;

b. at section 14.1.11.4 by deleting section 14.1.11.4 and replacing it with the following:

"4. *Intentionally deleted.*"; and

c. at section 15.11.11.1 by deleting section 15.11.11.1 and replacing it with the following:

"1. *Intentionally deleted.*"

5. This Bylaw is cited as "**Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9647**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



*OCP
* amendment
proposed
Requires
more
consultation than
Newspaper Ads for
a public
hearing*



3.2 Neighbourhood Character and Sense of Place

OVERVIEW:

Some say that communities happen on foot, so enhancing the character and accessibility of neighbourhoods is important.

OBJECTIVE 1:

Continue to protect single family neighbourhoods outside the City Centre.

POLICIES:

Single Family Land Uses

- promote single family uses within residential quarter sections;
- explore incentives and other mechanisms to encourage the retention of existing housing stock in established single family neighbourhoods (e.g., secondary suites);

Neighbourliness and Character Retention

- recognize that the physical elements of neighbourhoods such as housing styles, existing building setbacks, exterior finishes, building height and massing, existing trees and landscaping, attractive and appealing streets, street trees are just some of the factors that create the character of established single family neighbourhoods;
- work to ensure that new single family housing complements established single-family neighbourhoods using zoning or other appropriate regulations;
- continue to implement the Single Family Lot Size Policies to ensure that changes to the physical character of single family neighbourhoods occurs in a fair, complementary manner with community consultation;
- actively explore alternatives to Land Use Contracts (LUCs) (e.g., seek Provincial legislative changes, replace LUC with appropriate zones, apply development permit guidelines) to achieve better land use management over time;



- to encourage single family housing compatibility when requested by neighbourhoods, consider amending policies and bylaws (e.g., zoning), for example, to modify yard and building height requirements.

Densification in Residential Areas

- carefully manage coach houses and granny flats in residential areas as approved by Council (e.g., Edgemere; Burkeville; along arterial roads);
- coach houses and granny flats are not anticipated to be allowed in other areas except in Neighbourhood Centres. If such requests are made from owners and other neighbourhoods, they may be considered on a case by case rezoning basis;
- limit arterial road town houses to along certain arterial roads;
- carefully manage the densification of shopping centres outside the City Centre.

OBJECTIVE 2:

Enhance neighbourhood character and sense of place by considering community values.

POLICIES:

- a) when enhancing neighbourhoods, consider the following community values, for example:
 - sustainability objectives;
 - the compatibility of new housing types;
 - local employment opportunities;
 - traffic impacts and improving transit, walking, bicycling and rolling opportunities;
 - existing and future infrastructure;
 - the provision of community amenities;
 - other as necessary;
- b) encourage local commercial uses such as corner grocery stores, and new commercial and mixed uses where appropriate;
- c) applications to re-designate from "Community Institutional" to other OCP designations and to rezone Assembly zoned land for the purpose of redevelopment will be considered on a case by case basis:
 - without the need to retain assembly uses;
 - subject to typical development requirements (e.g., access; parking; layout; tree preservation; child care; public art; Affordable Housing Strategy requirements; servicing upgrades; etc.).



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Sunday, March 26, 2017

Bulletin No.: G.2.1.0

**Intergovernmental
Relations &
Planning Division**

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BULLETIN

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Service Arrangements
Smart Planning for
Communities Initiative
Staff Contacts

Date: October 2000

Bulletin No.: G.2.1.0

OCP Process and Consultation

Rationale:

The new *Local Government Act* provisions regarding the official community plan (OCP) development and adoption process and consultation during the preparation of an OCP reflect the principles established in 1997 to guide the *Municipal Act* Reform process. In particular, these changes provide:

- local government **accountability** for enabling citizen input on issues of concern to them during the development of an OCP or OCP amendment;
- improved **inter-local government relationships** on planning and land use management issues; and,
- **appropriate provincial government involvement** in the development and amendment of OCPs in instances where the provincial government has a clear responsibility or interest.

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These legislative amendments, which will come into force January 1, 2001, establish requirements for consultation with citizens and public authorities during the development of an OCP, streamline the adoption procedures for OCP bylaws and authorize the chair of a public hearing considering an OCP bylaw to establish procedural rules.

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New Provisions:

- Section 879 requires local governments to provide one or more opportunities for consultation with persons, organizations and authorities it considers will be affected when developing, amending or repealing an OCP. The local government must determine if this consultation should be early and on-going, and, specifically, if consultation is required with adjacent jurisdictions, First Nations, school districts, improvement districts, greater boards (ie. water districts) and the provincial and federal governments and agencies. This consultation is additional to the legislative requirement for a public hearing.

- Section 882 is amended to set out new, more streamlined, adoption procedures for both municipal and regional district OCP bylaws. The following changes are particularly noteworthy:
 - The required majority for each reading of a regional district OCP has been clarified in subsection (2) -- each reading must receive the affirmative vote of a majority of all directors entitled under section 791 to vote on the bylaw.
 - A number of specific requirements for referrals of a proposed OCP bylaw to other local government jurisdictions have been removed because these are no longer necessary given the new consultation requirement noted above.
 - The requirement that an OCP for an area that includes land in the Agricultural Land Reserve be referred to the Land Reserve Commission is continued. However, the Minister may make regulations defining areas and circumstances in which this referral is not required, and providing terms and conditions for this exception. This is in keeping with the Minister's authority to define areas and circumstances in which approval of a regional district OCP bylaw is not required. For further information on the reduction of provincial approvals in other areas, see Bulletin Number G.1.0.0 (Planning and Land Use Management: New Directions).
 - The requirement to consider an OCP after first reading, in conjunction with its financial plan or capital expenditure plan and any applicable waste management plan, is continued but this is now supplemented by a new provision (sub-section 5) enabling a local government to consider a proposed OCP in conjunction with any other land use planning and any social, economic, environmental or other community planning and policies.

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Related Provisions:

- Sections 875 to 877 describe the purpose of OCP, provide authority to include in an OCP any statements and material considered appropriate and require consideration of applicable provincial policy guidelines (see Bulletin Numbers G.2.0.0 (OCP Purpose and Content) and G.2.2.0 (OCP Provincial Policy Guidelines)).
- Division 4 of Part 24 requires public hearings for some OCPs and sets out the procedural requirements in relation to these (see Bulletin Number G.4.0.0 - Public Hearing Procedures).

Practical considerations:

- The new requirements for consultation with citizens and public authorities suggest a new way of "doing business" for local government when developing or amending an OCP. The new provisions recognize that local governments generally use other mechanisms besides the required public hearing to seek input from the public and other jurisdictions. The new legislation emphasizes the value of a local government seeking input from other authorities at an early stage in the planning process, as opposed to receiving comments in response to a referral after

first reading, when the OCP has already been drafted.

- The intent of the new consultation requirement is that input will be obtained from those that will be affected by an OCP early in its development, in order that any concerns can be more easily addressed. The requirement allows each local government to develop its own approach to consultation. Local governments can vary the type and number of consultations and even decide who should be consulted with, so long as they ensure that consultation opportunities are provided for those they consider will be affected.
- However, it is now mandatory that local governments specifically consider possible pre-public hearing consultation with certain specified parties (eg., First Nations, adjacent local governments) when developing an OCP and that they consider whether consultation should be early and ongoing. When making choices about consultation, councils and boards may wish to take a number of factors into consideration, including:
 - Is the bylaw under development a new OCP, or is making minor or major amendments or repealing an existing OCP? Consideration of the potential impact may well drive out a different consultation need or strategy for actions that affect large numbers of people or diverse interests than for actions that affect only a small segment of the community).
 - What parties can reasonably be considered to be affected by the OCP? Local governments may want to think in terms of the statutory requirement to specifically consider certain organizations as a starting point for decisions about who will be affected rather than an exhaustive listing of who will be affected. For example, "citizens" or "residents" are not listed as a mandatory group to consider, but would be affected by virtually all OCPs, and so consultation opportunities should be developed. Consideration might also be given to establishing protocols with adjacent jurisdictions or other government bodies to help to clarify when those governments are affected by an OCP, and the level of consultation required in different circumstances.
 - How effective will various forms of consultation be? Effective consultation at this stage can not only lead to a smoother public hearing process, but should also result in better OCPs. This will be particularly true if the consultation is early enough in the process that issues raised during the consultation can be adequately reviewed and if the consultations are frequent enough that the results of these reviews can become part of future consultation opportunities.
 - How transparent are the consultation decisions? Since these new consultation provisions impose a number of statutory requirements on councils and boards (eg., must provide consultation opportunities; must consider whether opportunities should be early and on-going; must specifically consider consultations with specified groups) and since the adequate fulfilment of these requirements could become the subject of a court challenge, local governments may want to take particular care to ensure that their decision-making process with respect to this consultation is transparent. So, for example, all staff reports on consultation should be well

documented and the report should advise council or the board of whether to and whom to consult. To ensure that evidence of "consideration" can be shown in court proceedings, the council or board minutes should list the decisions regarding each of the mandatory considerations.

- In developing effective consultation, local governments may want to prepare a comprehensive consultation policy that addresses such things as: fairness and equity, how to define consultation in different circumstances, who must and who should be consulted, how different interests want to be involved, and how the results of consultation will be considered.
- In order to provide further guidance to local governments, the Minister of Municipal Affairs will establish a provincial policy guideline on consultation for consideration of local governments developing an OCP in 2001.
- In order to more successfully integrate various planning initiatives, local governments may want to assess what other planning and policies within their own jurisdiction, or other affected jurisdictions, might usefully be considered during the development or amendment of an OCP.

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Transitional provisions:

- A transitional regulation will clarify that where a local government has held a public hearing for any OCP bylaw amendments, repeals or a new OCP, but not adopted the bylaw prior to January 1, 2001, the additional consultation under section 879 will not be required.

For all other new bylaws and amendments or repeals to existing bylaws, **any new procedural requirements must be followed as soon as the applicable provision is brought into force.** For example, after January 1, 2001, any OCP bylaw amendments or repeals, or development of new OCP bylaws will require local government consultation with persons, organizations and authorities the council or board consider will be affected. Because these requirements place an obligation on councils/boards to undertake consultation in addition to the public hearing, local governments will want to be particularly careful with bylaws in process, to ensure that if the bylaw has not gone to public hearing by January 1, 2001, the local government has complied with the new consultation requirements.

Local Government Act References:

Primary Sections: Section 879, 882

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Income Tax Folio

S5-F1-C1, Determining an Individual's Residence Status

Series 5: International and Residency

Folio 1: Residency

Chapter 1: Determining an Individual's Residence Status

Summary

The purpose of this Chapter is to explain the position of the Canada Revenue Agency (CRA) concerning the determination of an individual's residence status for income tax purposes and the factors to be taken into account in making that determination.

Under the Canadian income tax system, an individual's liability for income tax is based on his or her status as a resident or a **non-resident** of Canada. An individual who is **resident** in Canada during a tax year is subject to Canadian income tax on his or her worldwide income from all sources. Generally, a **non-resident** individual is only subject to Canadian income tax on income from sources inside Canada.

An individual who is resident in Canada can be characterized as ordinarily resident or deemed resident. An individual who is ordinarily resident in Canada will be subject to Canadian tax on his or her worldwide income during the part of the year in which he or she is resident in Canada; during the other part of the year, the individual will be taxed as a non-resident. An individual who is deemed resident in Canada in a particular year will be subject to Canadian income tax on his or her worldwide income throughout that year. In certain situations, an individual who would otherwise be ordinarily resident or deemed resident in Canada may be deemed not to be resident in Canada pursuant to subsection 250(5) and the tie-breaker rules of an income tax treaty.

*my suggestion**① Owner = applicant**② permanent residents only*

the CRA will generally accept that an individual is a resident of the other country unless the arrangement is abusive (for example, treaty shopping where the individual is in fact only a **resident of convenience**). Such could be the case, for example, where an individual is placed within the taxing jurisdiction of a particular country in order to gain treaty benefits in a manner that does not create any material economic nexus to that country.

1.43 For purposes of paragraph 1 of the Residence article of a particular tax treaty, the onus rests on an individual to demonstrate that he or she is liable to tax in the other country. The CRA is entitled to rely on the assumption that an individual is not resident in the other country for purposes of the treaty unless the individual can establish otherwise. This position is based on the Supreme Court of Canada's decision in Johnston v MNR, [1948] SCR 486, 3 DTC 1182. It is also supported by McFadyen v The Queen, [2000] TCJ No. 589, 2000 DTC 2473, which was heard at the Tax Court of Canada and later affirmed by the Federal Court of Appeal (2002 FCA 496, 2003 DTC 5015).

1.44 The Courts have stated that holders of a United States Permanent Residence Card (otherwise referred to as a **Green Card**) are considered to be resident in the United States for purposes of paragraph 1 of the Residence article of the Canada-U.S. Tax Convention. For further information, see the Federal Court of Appeal's comments in Allchin v R, 2004 FCA 206, 2004 DTC 6468.

1.45 Where an individual is determined to be a dual resident, the Residence article in the tax treaty will provide **tie-breaker rules** to determine in which country the individual will be resident for purposes of the other provisions of the treaty. If such tie-breaker rules apply and it is determined that an individual is a resident of another country for purposes of a tax treaty between Canada and that country, then subsection 250(5) will deem the individual to be a non-resident of Canada for purposes of the Act (see ¶1.37 – 1.39).

Permanent home test

— for "home based" business

1.46 Tie-breaker rules are found in paragraph 2 of the Residence article of most of Canada's income tax treaties. Usually, these rules rely first on a **permanent home** test to resolve the residence issue. Generally, the **permanent home** test provides that an individual is resident for purposes of the treaty in the country in which the individual has a permanent home available to him or her. A **permanent home** (as that term is used in income tax treaties) may be any kind of dwelling place that the individual retains for his or her permanent (as opposed to occasional) use, whether that dwelling place is rented (including a rented furnished room) or purchased or otherwise occupied on a permanent basis. It is the permanence of the home, rather than its size or the nature of ownership or tenancy, that is of relevance.