



## General Purposes Committee

Date: Monday, October 20, 2014

Place: Anderson Room  
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair  
Councillor Chak Au  
Councillor Linda Barnes  
Councillor Derek Dang  
Councillor Evelina Halsey-Brandt  
Councillor Ken Johnston  
Councillor Bill McNulty  
Councillor Linda McPhail  
Councillor Harold Steves

Call to Order: The Chair called the meeting to order at 4:00 p.m.

### MINUTES

It was moved and seconded  
*That the minutes of the meeting of the General Purposes Committee held on Monday, October 6, 2014, be adopted as circulated.*

**CARRIED**

### FINANCE AND CORPORATE SERVICES & LAW AND COMMUNITY SAFETY DEPARTMENTS

1. **SIGNAGE ON PRIVATE PROPERTY**  
(File Ref. No. 03-0900-01) (REDMS No. 4384413 v. 7)

Phyllis Carlyle, General Manager, Law and Community Safety, accompanied by Cecilia Achiam, Director, Administration and Compliance, and Sandra Carter, Valkyrie Law Group LLP, provided background information on signage on private property.

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In response to queries from Committee, Ms. Carlyle, Ms. Achiam, and Ms. Carter provided the following information:

- it is possible for the federal, provincial, and municipal governments to pass legislation that regulates information on signs on private property where there is a widespread and significant issue; however, evidence must be produced that establishes the important and pressing issue addressed in the legislation;
- Courts may not uphold a bylaw without a municipality providing clear evidence regarding (i) the issue being addressed in the bylaw, (ii) the severity of the issue in the community, (iii) the impact of the bylaw on the community, and (iv) the extensive public consultation conducted;
- experts in the sociological impact of language have provided evidence in past court hearings, particularly during the French/English debates;
- in terms of the health, safety, economic or social welfare objectives of a bylaw, Courts will weigh the objectives against the importance of freedom of expression; for instance, political expression is more important to society than commercial expression;
- a municipal bylaw that imposed both an English and French content requirement was upheld by the Courts in *Galganov v. Russell*, as it was determined that the bylaw was a justifiable and proportional restriction on freedom of expression, as its objective was to preserve the Town of Russell's bilingual status;
- if a bylaw imposing restriction on signs on private property were implemented and were to be challenged under the *Charter of Rights and Freedoms*, it is anticipated that such a case could reach the Supreme Court of Canada;
- local governments in British Columbia do not have the authority to adopt bylaws with retroactive effect; therefore, any signage in place prior to the adoption or effective date of a bylaw would be privy to the non-conforming use protections under section 911 of the *Local Government Act*;
- rather than enacting a bylaw, the language on signs on private property matter could be addressed by (i) maximizing opportunities through the sign permit and business licence processes, (ii) door-to-door canvassing to encourage owners of signs in one language to expand their business potential by including English, and (iii) working directly with the Richmond Chamber of Commerce, local business associations, and the Chinese business community;
- staff do not proactively enforce signs erected without a permit or that are in violation of a sign permit;

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- municipalities have addressed the matter of language on signs in a variety of means, such as adopting a bylaw, educating the business community, and working with sign companies and the service sector;
- due to the current emergency dispatch system, emergency response is not impeded by a lack of English on signs;
- the City has not regulated language on signs during the sign permit process due to the freedom of expression right guaranteed under the *Charter of Rights and Freedoms*; therefore, signs containing Chinese-only have been permitted;
- despite staff's efforts to educate businesses on including English on signs as a public courtesy, approximately 3.5% of business signs are in Chinese-only;
- an infringement on the right of freedom of expression is not permitted unless the infringement can be justified;
- to justify the enactment of a bylaw that regulates language on signs in order to meet a social objective (i.e., community harmony), additional evidence would be required beyond the community petitions and public correspondence received to date by the City; and
- municipalities have the authority to regulate signs related to rezoning and development permit applications; however, that regulation cannot be used to control or impose requirements and conditions in the context of other regulatory processes (i.e., business licence, or sign permit).

Discussion ensued regarding (i) public education and direct follow-up with sign owners on the benefits of including English on signs, (ii) the disenfranchisement within the community with regard to the matter, (iii) the merits and challenges of conducting the required studies and public consultation prior to considering a potential bylaw to regulate language on signs, and (iv) the examination of business signs as a whole rather than individual consideration for English content.

Committee requested that staff provide a survey on the nature and content of the 31 businesses with Chinese-only signs.

Further discussion took place regarding studies and public consultations required to establish the compelling health, safety, economic or social welfare objectives at stake. Committee commented on the need for proactive education through various means, such as meeting with individual business owners and business groups, such as the Chinese merchants group, and suggested that staff develop a formal education process.

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

It was moved and seconded

*That:*

- (1) as a priority, staff consult with the sign owners to encourage more use of the English language on their signs;*
- (2) staff engage in a broad public consultation on the language on signs issue;*
- (3) the language on signs issue be referred to the Intercultural Advisory Committee, the Richmond Chamber of Commerce, the Richmond Chinese Community Society, and other appropriate Business Associations for comment; and*
- (4) staff compile relevant information on the effect of the sign issue on community harmony.*

The question on the motion was not called as discussion ensued regarding the potential for staff to explore the business owners' rationale for Chinese-only signs. Committee commented on the divisiveness of the matter and the importance for the City to promote community harmony and integration through proactive education initiatives.

As a means to assist in the education process, Committee requested that the Sign Permit Application, and related material, be translated into Chinese.

Discussion then ensued regarding the intent of the motion, and it was noted that the resulting additional information will allow Council to consider the matter further. At that point, should Council choose to move forward on the matter, further work may then be required (i.e., formal studies and expert analysis) before proceeding with a bylaw.

The question on the motion was then called and it was **CARRIED**.

## FINANCE AND CORPORATE SERVICES & ENGINEERING AND PUBLIC WORKS DEPARTMENTS

### 2. 2015 UTILITY BUDGETS AND RATES

(File Ref. No. 10-6060-00) (REDMS No. 4340811)

It was moved and seconded

*That the 2015 Utility Budgets, as outlined under Option 1 for Water and Sewer, Option 3 for Drainage and Diking, and Option 1 for Solid Waste and Recycling, as contained in the staff report dated October 7, 2014 from the General Manager of Finance & Corporate Services and General Manager of Engineering & Public Works, be approved as the basis for establishing the 2015 Utility Rates and preparing the 5 Year Financial Plan (2015-2019) Bylaw.*

The question on the motion was not called as discussion ensued regarding the proposed utility rates, and it was noted that the increases are primarily a result of Metro Vancouver increases. Further, it was noted that the defeat of Greater Vancouver Sewerage and Drainage District Bylaw No. 280 may impact the Metro Vancouver utility rates and as a result, the City's 2015 utility budgets and rates. The question on the motion was then called and it was **CARRIED**.

## ADJOURNMENT

It was moved and seconded

*That the meeting adjourn (5:20 p.m.).*

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, October 20, 2014.

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Mayor Malcolm D. Brodie  
Chair

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Heather Howey  
Committee Clerk