

**VILLAGE OF PEMBERTON
-REGULAR COUNCIL MEETING AGENDA-**

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, June 26, 2018 at 9:00 a.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1473.

“This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010.”

Item of Business	Page No.	
1. CALL TO ORDER		
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.		
2. APPROVAL OF AGENDA	1	
Recommendation: THAT the Agenda be approved as presented.		
3. RISE WITH REPORT FROM IN CAMERA (CLOSED)		
a) Village of Pemberton Bursary Award – Recipient Announcement		
4. ADOPTION OF MINUTES	5	
a) Regular Council Meeting No. 1472, Tuesday, June 12, 2018		
Recommendation: THAT the minutes of Regular Council Meeting No. 1472, held Tuesday, June 12, 2018, be adopted as circulated.		
5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING		
6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE		
7. COMMITTEE MINUTES - FOR INFORMATION		
8. DELEGATIONS	15	
a) Carolyn McBain – Communities on the Move		
9. REPORTS		
a) Office of the Chief Administrative Officer		
i. Verbal Report		
ii. Village of Pemberton Bursary Award		19
Recommendation: THAT Council adopt the Village Bursary Policy as presented.		
AND THAT correspondence be sent to Pemberton Secondary School to advise of the changes to the program.		

iii. Village Staff Appointments

29

Recommendation One – Chief Building Official:

THAT Faruq Patel be appointed the Village of Pemberton Chief Building Official effective June 26, 2018.

Recommendation Two – Emergency Coordinator:

THAT Sarah Toews be appointed the Village of Pemberton Emergency Coordinator effective June 26, 2018

Recommendation Three – Approving Officer Appointment Rescind:

THAT Tim Harris' appointment as the Village of Pemberton Approving Officer be rescinded as of June 28th, 2018.

b) Corporate & Legislative Services

i. Notice on Title - 7335 Old Mill Road –

32

Recommendation: **THAT** Council direct Staff to proceed with a Section 57 Notice on Title on 7335 Old Mill Road, Pemberton, BC.

Recommendation: **THAT** Council provide direction on making application to the Court for a demolition order to have the building removed.

c) Finance

i. Municipal Finance Authority – Resolution for Borrowing

40

Recommendation One: **THAT** Council receives this report from the Chief Financial Officer, dated June 26th, 2018 regarding financing for the purchase of new Capital Equipment;

Recommendation Two: **THAT** Council of the Village of Pemberton authorizes up to \$30,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of an Administration Vehicle;

AND THAT Council of the Village of Pemberton authorizes up to \$30,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Bylaw Vehicle;

AND THAT Council of the Village of Pemberton authorizes up to \$60,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Fire Duty Truck;

AND THAT Council of the Village of Pemberton authorizes up to \$12,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of an Administration Printer;

AND THAT Council of the Village of Pemberton authorizes up to \$150,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Backhoe;

AND THAT the loan(s) be repaid within five (5) years, with no rights of renewal.

d) Operations & Development Services

- i. **DPA013 – Elevate @ Sunstone Major Development Permit Application No. 013, Sunstone Ridge, Parcel Lot 5** 43

Appendix A: <https://www.pemberton.ca/public/download/documents/51016>

Appendix B: <https://www.pemberton.ca/public/download/documents/51017>

Recommendation One:

THAT DPA013 be authorized for issuance, and the Mayor and Chief Administrative Officer be authorized to execute the Permit.

Recommendation Two:

THAT issuance of DPA013 be subject to provision of landscape bonding in the amount of \$337,536;

AND THAT DPA013 hereby varies Section 508(1) of the Village of Pemberton Zoning Bylaw No. 466 by reducing the required number of Visitor Parking Stalls from 13 to 7.

e) Mayor's Report

f) Councillor Reports

10. BYLAWS

11. CORRESPONDENCE

a) For Action

- i. **Mark Mendonca, Tourism Pemberton, dated June 21, 2018, thanking the Village for funding provided under the Community Initiative & Opportunity Fund and requesting additional funding.** 52

Recommendation: THAT Council provide direction with respect to the request for additional funding for Tourism Pemberton.

- ii. **MP Goldsmith-Jones, West Vancouver - Sunshine Coast - Sea to Sky Country, dated June 20, 2018, regarding funding applications under the National Housing Co-Investment Fund.** 53

Recommendation: THAT Council direct staff to review the funding program criteria.

b) For Information

- i. **Jonathan X. Coté, Mayor, City of New Westminster, dated June 7, 2018, requesting support for New Westminster's resolution, Changes to Strata Property Act, to be presented at the UBCM Convention in September.** 54

- ii. **Janet Naylor, received June 13, 2018, regarding public use of CN Rail bridge over Lillooet River.** 70

- iii. **Matt Herman, Executive Lead, Ministry Health, dated June 12, 2018, presenting a revised letter from the Honourable Adrian Dix, Minister of Health, regarding the British Columbia Farmers' Market Nutrition Coupon Program.** 77

Recommendation: THAT the above correspondence be received for information.

12. DECISION ON LATE BUSINESS

13. LATE BUSINESS

14. NOTICE OF MOTION

15. QUESTION PERIOD

79

16. IN CAMERA

THAT pursuant to Section 90 (1) (k) Negotiations of the Community Charter, the Council of the Village of Pemberton serves notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters for which the public shall be excluded from attending.

17. ADJOURNMENT

**VILLAGE OF PEMBERTON
-REGULAR COUNCIL MEETING MINUTES-**

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, June 12, 2018 at 1:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1472.

IN ATTENDANCE: Mayor Mike Richman
Councillor Jennie Helmer
Councillor James Linklater
Councillor Karen Ross
Councillor Ted Craddock

STAFF IN ATTENDANCE: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Tim Harris, Manager of Operations & Development Services
Lisa Pedrini, Senior Planner
Wendy Olsson, Executive Assistant
Gwendolyn Kennedy, Legislative Assistant

Public: **Afternoon Session: 2**
Evening Session: 35

1. CALL TO ORDER

At 2:02 p.m. Mayor Richman called the meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded
THAT the Agenda be approved as circulated.
CARRIED

3. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1471, Tuesday, May 29, 2018

Moved/Seconded
THAT the minutes of Regular Council Meeting No.1471 held Tuesday, May 29, 2018, be adopted as circulated.
CARRIED

4. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING

There was no business arising from the previous Regular Council Meeting.

5. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING

There was no business arising from the previous Committee of the Whole meeting.

6. COMMITTEE MINUTES – FOR INFORMATION

There are no minutes to be received.

7. REPORTS

a) Office of the Chief Administrative Officer – Verbal Report

i. Regional Transit System – Memorandum of Understanding: Administration of a new Regional Transit System in the Sea-to-Sky Corridor

Nikki Gilmore, Chief Administrative Officer, provided a verbal report of discussions that led to the development of the Memorandum of Understanding (MOU). The MOU is a broad document intended to be a first step and a means to open discussions with the Province regarding funding of a new regional transit service. Once the Province has indicated its intentions with respect to the funding split, corridor Staff and Elected Officials will discuss remaining funding and governance issues.

Moved/Seconded

THAT the Mayor be authorized to sign the Memorandum of Understanding on behalf of the Village of Pemberton.

CARRIED

b) Mayor's Report

Mayor Richman reported on the following:

- The SLRD - Squamish-Lillooet Regional District (SLRD) is hosting a community open house to share information and seek input on the Regional Growth Strategy (RGS) Review draft bylaw - RGS Amendment Bylaw No. 1562-2018. The meeting takes place on Tuesday June 19, 2018 from 6:30pm-8:00pm @ the Pemberton & District Community Centre (Room B).
- The Squamish-Lillooet Regional District (SLRD) and the Village of Pemberton (Village) have agreed to pursue a transfer of the management of the Pemberton and District Recreation Service from the SLRD to the Village. Staff from both

organizations will draft a Management Agreement to set out the terms and conditions of the transfer; the draft is expected to be presented to the SLRD Board and Village Council for approval in the fall.

- Asset management works will be in progress from June 6th to June 30th. The Village has contracted ABC Pipe Cleaning to inspect and video all underground infrastructure within the Village of Pemberton. This infrastructure inspection will help to inform an Underground Services Management Plan that will address municipal infrastructure maintenance and upgrades
- Village Staff will be at the Pemberton Farmers Market on Friday, June 22nd to present information and answer questions about the Downtown Enhancement Project and the Gas Tax Fund that will be funding the project. *Note: This information session was postponed to a later date which has yet to be determined.*
- Attended a celebration at the Pemberton & District Museum and Archive Society on Saturday, June 9th, to honour and wish farewell to Flo Bilenduke, former Curator and 50-year Pemberton resident, who is leaving Pemberton for Calgary.
- Attended the first Nu'kw7ántwáí Intergovernmental Relations Committee Meeting with CAO Gilmore. Discussion focused on establishing terms of reference and setting up a framework for ongoing cooperation on tangible projects. The next meeting has been scheduled for September.
- Met with Allan Firth of Pemberton Youth Soccer Association (PYSA) and Graham Murphy representing the Vancouver White Caps – Pemberton Academy to discuss soccer field development.
- Attended Pemberton Valley Utilities and Services Commission (PVUS) Meeting on June 7th.

Mayor Richman reminded those in attendance of the following upcoming events:

- The 2018 Spud Run will take place on July 1st @ 8am. Registration is at 8:00am at the Pemberton Community Centre and the run starts at 8:30am.
- A Grizzly Bear Conflict Prevention Workshop is taking place on Saturday, June 16th, 10am-3pm at the Pemberton & District Community Centre.
- The Pemberton Stockcar Association will host their second race on Saturday, June 16th @ 5:30 and the Pemberton Speedway.
- National Aboriginal Day – Thursday, June 21, 2018.

Mayor Richman also reported that the renovations at the Pemberton Youth Centre (REC) are now complete.

c) Councillor Reports

i. Councillor Ross

Councillor Ross reported on the following:

Attended PVUS meeting on June 7th at which several applications for grant funding were considered.

ii. Councillor Craddock

Councillor Craddock reported on the following:

- Volunteered as a barbecue chef at the Rotary Club Golf Tournament fundraiser.
- “Give it a Try” Seniors Games will be held on June 13th at the newly renovated Youth & Seniors Centre.

iii. Councillor Linklater

Councillor Linklater reported on the following:

- Attended PVUS meeting on June 7th:
 - Whistler Real Estate Association presented a cheque for \$1000 for the purchase of a table tennis table for the Pemberton Youth Centre.
 - Consideration given for funding from the Pemberton and District Community Fund to several community groups/organizations
 - Leftover funding in the amount of \$5137 for Youth Initiatives/Youth Centre was reallocated to another Youth project.
- Attended Sunstone Developments Sneak Peek Event on Saturday, June 9th at the Meadows at Pemberton.
- Thank you to the community and Staff for supporting the PYSA fundraising bottle drive on the weekend.
- Taught a Foodsafe course to Pemberton Lions Club.
- Commended Pemberton Painting for their work on the Community Barn.
- Attended the Rotary Club of Pemberton and Pemberton District Chamber of Commerce 13th Annual Golf Tournament
- Will attend Pemberton Secondary School (PSS) awards ceremony at 7:00 p.m. this evening.
- Attended the PSS Drama Club production of Clue on the weekend.

- Congratulations to the 2018 PSS graduating class. Graduation ceremony will be held at PSS on Saturday, June 16th.

iv. Councillor Helmer

Councillor Helmer did not report.

8. BYLAWS

a) Fourth and Final Reading

i. Village of Pemberton General Local Government Election & Other Voting Procedures Bylaw No. 831, 2018

Moved/Seconded

THAT Village of Pemberton General Local Government Election & Other Voting Procedures Bylaw No. 831, 2018 receive fourth and final reading.

CARRIED

9. CORRESPONDENCE

a) For Action

- i. Rod Nadeau, Vidorra Developments Ltd./Innovation Building Group, dated June 5, 2018, requesting a letter of support for their funding application for Orion under National Research Council's Green Infrastructure Program for Energy Efficient Buildings Research, Development and Demonstration.**

Move/Seconded

THAT a letter of support be provided.

CARRIED

- ii. Pamela Goldsmith-Jones, M.P., West Vancouver-Sunshine Coast-Sea to Sky Country, dated May 28, 2018, regarding funding opportunities for infrastructure upgrades under the new Environmental Quality Program.**

Moved/Seconded

THAT Council direct staff to review the funding program criteria.

CARRIED

b) For Information

- iii. Lynn Embury-Williams, Canadian Wood Council, dated May 15, 2018, calling for nominations for the 2018 Community Recognition Awards.**

- iv. **Murry Krause, Chair, UBCM, calling for nominations for UBCM Executive.**
- v. **Wendy Booth, President, Union of BC Municipalities, dated June 1, 2018, acknowledging receipt of Village of Pemberton's resolutions to be presented at the 2018 UBCM Convention in September.**

Moved/Seconded

THAT the above correspondence be received for information
CARRIED

10. DECISION ON LATE BUSINESS

There was no late business for consideration.

11. LATE BUSINESS

There was no late business for consideration.

12. NOTICE OF MOTION

There was no notice of motion for consideration.

13. QUESTION PERIOD

There were no questions from the gallery.

14. IN CAMERA

Moved/Seconded

THAT pursuant to Section 90 (1) (c) employee relations, (g) litigation, (k) negotiations, (l) municipal objectives of the *Community Charter*, the Council of the Village of Pemberton serve notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters for which the public shall be excluded from attending.

CARRIED

At 2:29 p.m. Council moved In Camera.

15. RECESS

At 3:06p.m. Council Rose without Report from In Camera and the Regular Meeting was recessed until 5:00 p.m. at the Pemberton Community Centre.

16. RECONVENE

At 5:01 p.m. the Regular Meeting was reconvened at the Pemberton Community Centre Room D.

17. RISE WITH REPORT FROM PART ONE OF THE REGULAR COUNCIL MEETING HELD EARLIER IN THE DAY

Council Rose with Report on the following:

a) Regional Transit Memorandum of Understanding

Council authorized the Mayor to sign the Regional Transit System Memorandum of Understanding on behalf of the Village.

b) General Election Procedure Bylaw

Village of Pemberton General Election & Other Voting Procedures Bylaw No. 831, 2018, received fourth and final reading.

18. RISE WITH REPORT FROM IN CAMERA MEETING HELD EARLIER TODAY

Council Rose with Report on the following:

a) 2018 – 2019 BC Transit Annual Operating Agreement

On May 29th Council rose with report to advise that Council has authorized the execution of the BC Transit Annual Operating Agreement between the Village and BC Transit.

b) Soccer Field Contract Award

The contract, in an amount up to \$950,000, to construct a grass soccer field at the Village's recreation site located on Pemberton Farm Road East was awarded to Cedar Crest Lands (BC) Ltd.

c) 3BP Solutions/Village of Pemberton Memorandum of Understanding for the exploration of the development of the Airport has been terminated.

Last fall the Village entered into a Memorandum of Understanding with 3BP Solutions, an airport development company, to evaluate the potential development of the Pemberton Airport for a term of November 17, 2017 to June 30, 2018. Council is advising that the memorandum of understanding has been terminated as a result of the Mount Currie Rock Slide Risk Assessment Report related to future development in this area.

19. REPORTS

a) BOUNDARY EXTENSION INITIATIVE

i. Boundary Extension Background Report and Community Feedback

Sheena Fraser, Manager of Corporate & Legislative Services, presented a report that outlined the background of the boundary extension initiative and presented information on community feedback received to date including correspondence received on June 11, 2018 from Burt and Mary Van De Wettering.

Moved/Seconded

THAT the Boundary Extension Background Report and Community Feedback Report, dated June 12, 2018, be received for information.

CARRIED

ii. Boundary Extension Study Report – Dan Huang, Urban Systems

Dan Huang presented the Boundary Extension Study Report and provided an overview of new information received since the last update on May 8th. In particular, Mr. Huang reported that in recent communication from the Ministry of Municipal Affairs and Housing the Village was advised that the Ministry of Transportation and Infrastructure (MOTI) has indicated they have no immediate plans for improvements to the roads in the boundary extension area and will not contribute to the cost of future capital road improvements that could be necessary as part of the proposed boundary extension.

Moved/Seconded

THAT Council receive the information and background report presented on June 12, 2018 regarding the Village of Pemberton Boundary Extension Study.

CARRIED

Moved/Seconded

THAT Council not proceed further with the proposed boundary extension for the Village of Pemberton.

CARRIED

Moved/Seconded

THAT Staff explore the possibility of a smaller boundary extension initiative that would include only the lands occupied by the independent power projects and present this information at a future Committee of the Whole meeting.

CARRIED

20. BYLAWS

a) First and Second Readings

i. Village of Pemberton Zoning Bylaw No. 832, 2018

Lisa Pedrini, Senior Planner, presented an overview of the background information respecting the Zoning Bylaw Review initiative, reported on the community consultation process and summarized the feedback from stakeholders and residents.

Cameron Chalmers, Village Consultant, provided an overview of the new Zoning Bylaw highlighting the significant changes from Village of Pemberton Zoning Bylaw No. 466, 2001,

Moved/Seconded

THAT the minimum parcel size in the A-1 – Agricultural Zone be changed from two (2) hectares to twenty (20) hectares.

MOTION DEFEATED

Moved/Seconded

THAT “Automotive Repair Shop” and “Equipment Servicing, Rental and Repair Shop” uses be allowed to remain as site specific permitted uses in the C-1 Town Centre Commercial Zone.

MOTION DEFEATED

Moved/Seconded

THAT Village of Pemberton Zoning Bylaw No. 832, 2018 receive first and second readings.

CARRIED

OPPOSED Councillor Helmer

Moved/Seconded

THAT Village of Pemberton Zoning Bylaw No. 832, 2018 be referred to the Lil’wat Nation, the Squamish-Lillooet Regional District, the Ministry of Transportation and Infrastructure and the Agricultural Land Commission for comment.

CARRIED

Moved/Seconded

THAT a Public hearing be scheduled for 7:00 p.m. on Tuesday, June 26, 2018 at Council Chambers.

CARRIED

21. QUESTION PERIOD

Joel Barde, Pique Newsmagazine, asked if Council was disappointed with the Province's refusal to contribute to the capital cost of road upgrades in the proposed boundary extension area.

Stephen Black, Black's Hot Wheels, requested clarification regarding lawful non-conforming status as it would apply to his business, and asked if renovations to the building would be permitted under this status.

Mark Mendonca, Tourism Pemberton, asked if Council and Staff had considered the environmental issues related to drive-through restaurants.

22. ADJOURNMENT

Moved/Seconded

THAT the Regular Council meeting be adjourned at 6:34 p.m.

CARRIED

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Village of Pemberton Support of *Communities on the Move*

Carolyn McBain

██████████
██████████
VON 2LO

June 20, 2018

Dear Mayor Richman and council,

I am writing to inform you about a great initiative called ***Communities on the Move*** lead by the ***BC Alliance for Healthy Living*** and supported by almost 100 endorsers. ***Communities on the Move*** focuses the multi-mobility transportation needs of British Columbians while encouraging the best practises of complete community design.

The ***Communities on the Move*** vision asks the province to work towards the following goal:

We envision that in 10 years, across BC -in communities small and large, it will be easy, safe and enjoyable to get around, whether by walking, biking, ride-sharing, public transit or in a wheelchair. We want to see the provincial government making progressive investments that support active, connected and healthy communities.

The Pemberton Official Community Plan aligns with ***Communities on the Move*** values:

1. Healthy Communities
2. Mobility for All
3. Clean Air and Environment
4. Economic Opportunities and Cost Savings
5. Consideration of Community Needs
6. Safety for all Road Users

Under 'Consideration of Community Needs', the initiative asks the provincial government for a **Rural Transportation Strategy**-this is something that would greatly benefit Pemberton. Here is more detail on this point:

- Work with local governments to establish a **Rural Transportation Strategy**. Develop and invest in innovative community transportation systems, ride-sharing, tele-services and telecommuting options that can serve rural and remote British Columbians.

Please see the attached declaration or you can read more about the initiative here:

<https://www.bchealthyliving.ca/movebc/>

As parent and business owner in Pemberton, I think it would be fantastic for our community to take two actions surrounding ***Communities on the Move***:

1. Endorse the Initiative (this takes two minutes online: https://www.bchealthyliving.ca/movebc_declaration/)

2. Write a **letter of support** to the Minister of Transportation and the Minister of Municipal Affairs and Housing.

District of Squamish, Resort Municipality of Whistler and the Squamish Lillooet Regional District have all endorsed ***Communities on the Move***. Let's add our name too.

Sincerely,

Carolyn McBain



COMMUNITIES ON THE MOVE DECLARATION: CREATING SMART, FAIR AND HEALTHY TRANSPORTATION OPTIONS FOR ALL BC COMMUNITIES

VISION

We envision that in 10 years, across BC - in communities small and large, it will be easy, safe and enjoyable to get around, whether by walking, biking, ride-sharing, by public transit or in a wheelchair. We want to see the provincial government making progressive investments that support active, connected and healthy communities.

This vision is guided by the following VALUES:

- **Healthy Communities**: Safe biking and walking routes, good street design and regular transit should be available to all British Columbians so that it's easy to be active and healthy. This can also make it easier for people to be socially connected which is important for good mental health.
- **Mobility for All**: A range of transportation options should be available to all British Columbians – including those who live in smaller communities, and vulnerable groups such as children, older adults and those with disabilities or low incomes, as well as non-drivers – so that everyone can have access to education, employment, shopping, healthcare, recreation, cultural events and social connections.
- **Clean Air and Environment**: Public transit and active modes of transportation should be available to all British Columbians as these can reduce local air pollution and carbon emissions that contribute to climate change.
- **Economic Opportunities and Cost Savings**: Active and public transportation facilities are smart investments as they can stimulate local business and tourism in communities of all sizes. These investments can also control rising healthcare costs because regular physical activity keeps people healthier and out of the healthcare system.
- **Consideration of Community Needs**: All BC communities should have a range of convenient, affordable transportation options that are tailored to their context – whether urban or remote, dense or dispersed, small or suburban.
- **Safety for All Road Users**: The design and rules of the road should ensure that all British Columbians can arrive at their destination safely.

How do we get there?

- **A Provincial Active Transportation Strategy**

- Invest \$100M per year over the next 10 years to support the development of local cycling and walking infrastructure within a larger provincial network. Prioritize the completion of connected cycling and walking transportation networks.
- Develop an Active Transportation unit within the Ministry of Transportation and Infrastructure to provide professional planning and policy expertise at the provincial level.
- Invest in Active School Travel Planning and standardized cycling education for healthy, active children.

- **Investment in Transit**

- Invest in the full implementation of the BC Transit Strategic Plan 2030 and local governments' 'Transit Future Plans' to grow transit service and meet local needs.
- Ensure a fair share of capital funding and secure, predictable revenue tools for the full implementation of the TransLink Mayors' Council 10-Year Vision.
- Continue and expand the universal bus pass (UPASS) program to students and employees of post-secondary institutions.
- Invest in public transportation systems that serve small, rural, remote and isolated communities such as the use of school buses and bus services that feed into regional centres.

- **Commitment to Equity**

- Ensure transit accessibility for people on disability assistance by increasing the affordability of transit passes.
- Improve handyDART service to meet demand and to expand accessibility to evenings, Sundays and holidays.
- Ensure funding is allocated geographically and equitably across the province. Recognize infrastructure deficits for pedestrian, cycling and transit modes as well as limitations faced by rural, remote, geographically isolated and small communities as part of funding criteria.

- **Consideration of Regional Needs**

- Work with local governments to establish a Rural Transportation Strategy. Develop and invest in innovative community transportation systems, ride-sharing, tele-services and telecommuting options that can serve rural and remote British Columbians.
- Develop and support the implementation of Winter City Guidelines that give residents the opportunity to be active all year long. This should include operational measures such as snow-clearing for active transportation networks and improved winter road maintenance.
- Support the Metro Vancouver Mayor's Council to pursue alternative funding mechanisms.

- **Commitment to Safety**

- Support the BC Road Safety Strategy Vision Zero: work with partners to create safer streets and to eliminate fatalities and serious injuries on the roads of BC. Speed limits should be reduced and strictly enforced, including through the use of cameras and other proven safety measures.
- Prioritize safety measures for vulnerable road users such as pedestrians, cyclists and those in wheelchairs and mobility devices.

Date: June 26, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Wendy Olsson, Executive Assistant
Subject: Village Bursary Policy

PURPOSE

The purpose of this report is to present to Council for adoption the Village of Pemberton Bursary Policy.

BACKGROUND

The Village Bursary (**the Bursary**) is a financial award of two thousand dollars (\$2000) which recognizes a graduating student from Pemberton Secondary School who has demonstrated outstanding citizenship, leadership, volunteerism and who intends to pursue post-secondary education.

To apply for the Bursary, students must meet eligibility and application criteria as shown in the Village Bursary Application Form (**Appendix A**) created in 2012. The Application Form also includes the decision-making criteria for the Bursary.

The current decision-making criteria requires that a Committee of representatives (**the Selection Committee**), made up of two teachers from the Pemberton High School (Principal and Grade 12 teacher), one Village of Pemberton Council Member and one member from the community at large, consider the applications. The Selection Committee forwards a recommendation for the finalist to Council, and Council confirms the recommendation by resolution.

DISCUSSION & COMMENTS

Staff has noted that the scheduling of the Selection Committee meeting with Pemberton Secondary School administration, as well as finding a member of the community at large to participate on the Committee, continues to be a challenge each year. Staff is proposing that as opposed to a Selection Committee, which needs to be formed each year, it would be more efficient for the applications to be submitted directly to the Village for Council's consideration at an In Camera meeting pursuant to the *Community Charter*, Section 90 (1) (b) "personal information about an identifiable individual who is being considered for a municipal award or honour".

The current application process allows for students to make application either electronically via the Village website or in paper form, resulting in an inconsistent presentation of the applications. This year's Selection Committee recommended that moving forward, students should be instructed to submit online applications only.

As such, Staff is recommending that Council consider the Village Bursary Policy (**Appendix B**) which reflects the following amendments to the application and decision-making process:

- That the decision-making process be amended to reflect that Council as a whole will consider applications and make a decision with respect to the recipient each year.
- That applications must be submitted by electronic means only

COMMUNICATIONS

Should the Village Bursary Policy be adopted as presented, Staff will share the Policy with Pemberton Secondary School administration and the details will be posted on the Village website. Each year in February, Staff will send notification to Pemberton Secondary School advising that the program is open for applications from graduating students and asking them to share the information with the graduating class.

LEGAL CONSIDERATIONS

There are no legal, legislative or regulatory considerations at this time.

IMPACT ON BUDGET & STAFFING

Staff is responsible on an annual basis for corresponding with the high school, accepting the applications, coordinating the Selection Committee and providing a report to Council along with the recommendation by the Selection Committee to award. Should it be decided to amend the Policy to reflect that applications will be considered by Council rather than a Selection Committee, there will be a reduction in staff time to facilitate this initiative.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts anticipated.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This initiative has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

An alternative option would be for Council to continue with the current application and decision-making process for the Village Bursary as opposed to adoption of the policy, however Staff does not recommend this option.

POTENTIAL GOVERNANCE CONSIDERATIONS

Social Responsibility

The Village strives to create a strong and vibrant community recognizing the importance and benefits of both healthy and engaged citizens as well as an accessible and well managed natural environment.

RECOMMENDATIONS

THAT Council adopt the Village Bursary Policy as presented.

AND THAT Correspondence be sent to Pemberton Secondary School to advise of the changes to the program.

Attachments:

Appendix A – Village Bursary Application Form
Appendix B – Village Bursary Policy

Submitted by:	Wendy Olsson, Executive Assistant
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

The Village of Pemberton Bursary is a financial award of \$2000, which recognizes students who demonstrate outstanding citizenship, leadership, volunteerism and who intend to pursue post secondary education. The award considers financial need in order to provide assistance and encouragement to promising young students challenged by the costs of education.

Who is Eligible?

To be eligible for the Village of Pemberton Bursary, students must fulfill the following criteria:

- Be a resident of the Village of Pemberton
- Be graduating from the Pemberton High School the year of application
- Be entering part-time or full-time first-year studies at a post-secondary institution
- Be entering into a postsecondary institution within two (2) years of graduation
- Demonstrate leadership, extra-curricular and community activities, financial need and sound academic record.

Application Criteria

- Application form
- Academic transcripts for Grades 11 and 12
- Personal Statement (Cover Letter)
 - Career goals
 - Manner in which you plan to finance your studies
 - Demonstrate financial need (if required)
- Two letters of reference attesting to the character of the applicant and providing reasons to support the applicant's consideration (from coach, teacher, instructor, supervisor, employer, community group leader etc).

Completed applications are due April 30 of the graduating year

The successful applicant will be required to submit:

- Proof of acceptance to a postsecondary institution
- Photo and brief biographical outline for publication in Village media
- A post-year Letter of Experience outlining the student's first year of studies to the Village

Decision making Criteria

A committee of representatives made up of two teachers from the Pemberton High School (Principal and Grade 12 teacher), one Village of Pemberton Council Member and one member from the community at large will consider applications. The committee will forward a recommendation finalist to Council. Council will confirm the recommendation through a resolution. A Village representative will present the award at the Pemberton High School Graduation Ceremony. The Bursary will be conditional upon students receiving acceptance to a postsecondary institution.

Please fill out this application carefully according to the instructions given. If additional room is required, you may attach up to two (2) extra sheets and include them with your application.

As per the Application Criteria, please ensure you submit the following with this application:

- Application form
- Academic transcripts for Grades 11 and 12
- Personal Statement (Cover Letter)
 - Career goals
 - Manner in which you plan to finance your studies
 - Demonstrate financial need (if required)
- Two letters of reference attesting to the character of the applicant and providing reasons to support the applicant's consideration (from coach, teacher, instructor, supervisor, employer, community group leader etc).

STUDENT INFORMATION

First Name: _____

Last Name: _____

Phone: _____

School: _____

Email: _____

Graduation Date: _____

Address: _____

Mailing Address: _____

How did you hear about this bursary?	
<input type="checkbox"/> Poster/flyer <input type="checkbox"/> Village website <input type="checkbox"/> Teacher/Instructor	<input type="checkbox"/> Family/friends <input type="checkbox"/> Ad in Pemberton Page <input type="checkbox"/> Other: _____

Personal Information you provide on this form is collected under section 26 of the *Freedom of Information and Protection of Privacy Act* and will be used only for the purpose of responding to your bursary application.

Your personal information will not be released except in accordance with the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of your personal information may be referred to the [Manager of Corporate & Legislative Services](#).

SCHOOL ACTIVITY PARTICIPATION

Please list and describe your school related activities and participation. Be specific and provide dates.

Organizations/Activities/Sports:

Leadership Positions:

Awards/Recognition:

EXTRACURRICULAR ACTIVITIES AND PARTICIPATION

Please list and describe your extracurricular activities and participation in the community, including any volunteer work, sports teams, art and music activities etc. Please be specific and indicate if the activity is a one-time experience or an on-going commitment.

Organizations/Activities/Sports:

Leadership Positions:

Awards/Recognition:

ACADEMIC AWARDS

Please indicate any awards you have received for academic standing (including any post-secondary scholarships awarded)

POSTSECONDARY PLANS

Which postsecondary institution do you wish to attend?

When do you expect to commence your full-time studies?

Have you applied for admission? Yes / No

Have you been accepted? Yes / No

Please describe your chosen post-secondary program and your future career goals.

Please describe how you plan to finance your post-secondary studies and if desired, state your need for financial assistance.

Signed:

Date:

Please submit completed application form, cover letter, transcripts, and reference letters by mail or email **by April 30** to:

ATT: Village of Pemberton Bursary

Village of Pemberton

Box 100 | 7400 Prospect St

Pemberton, BC V0N 2L0

Email: admin@pemberton.ca (Please state **Village of Pemberton Bursary** in the subject line)

THANK YOU AND ALL THE BEST IN YOUR FUTURE STUDIES!

Department:	<u>Office of the CAO</u>	Policy No.:	<u>COU-010</u>
Sub-department:	<u></u>	Created By:	<u>Wendy Olsson</u>
Approved By:	<u></u>	Amended By:	<u></u>
Approved Date:	<u></u>	Amendment:	<u></u>
Meeting No.:	<u></u>	Meeting No.:	<u></u>

POLICY PURPOSE

The Village Bursary is a financial award of two thousand dollars (\$2000), which recognizes students who demonstrate outstanding citizenship, leadership, volunteerism and who intend to pursue post-secondary education. The award considers financial need in order to provide assistance and encouragement to promising young students challenged by the costs of education.

POLICY

To be eligible for the Village Bursary (the “Bursary”), students must meet the following criteria:

- Be a resident of the Village of Pemberton;
- Be graduating from Pemberton Secondary School the year of application;
- Be entering part-time or full-time first-year studies at a post-secondary institution;
- Be entering a post-secondary institution within two (2) years of graduation;
- Demonstrate leadership, extra-curricular and community activities, financial need and sound academic record.

In order to apply for the Bursary, applicants must complete the online application form on the Village of Pemberton website and attach the following documentation:

- A Cover Letter, stating career goals and the manner in which the applicant plans to finance their studies;
- Two letters of reference attesting to the character of the applicant and providing reasons to support the applicant’s consideration (letters should be from the student’s coach, teacher, instructor, supervisor, employer, community group leader or individual with similar relationship);
- Academic transcripts for Grades 11 and 12.

Applications must be submitted to the Village of Pemberton by April 30th of the graduating year.

Following receipt of the Bursary award, the successful applicant will be required to submit to the Village:

- Proof of acceptance to a post-secondary institution;
- Brief biographical outline for publication in the Village eNews; and
- A post-year Letter of Experience outlining the student’s first year of studies.

Department:	<u>Office of the CAO</u>	Policy No.:	<u>COU-010</u>
Sub-department:	<u></u>	Created By:	<u>Wendy Olsson</u>
Approved By:	<u></u>	Amended By:	<u></u>
Approved Date:	<u></u>	Amendment:	<u></u>
Meeting No.:	<u></u>	Meeting No.:	<u></u>

PROCEDURE

Council will review the applications following the submission deadline and award the Bursary based on established selection criteria by May 31st of each year.

Village Staff will inform Pemberton Secondary School Administration of the Council's decision via correspondence two weeks prior to the Pemberton Secondary School Graduation Ceremony.

A Village representative (Mayor or Council Member) will present the award at the Graduation Ceremony.

Mike Richman
Mayor
Village of Pemberton

Nikki Gilmore
Chief Administrative Officer
Village of Pemberton

Date: June 26, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Wendy Olsson, Executive Assistant/HR Coordinator
Subject: Village Staff Appointments

PURPOSE

The purpose of this report is to recommend that Council appoint Faruq Patel as Chief Building Official and Sarah Toews as Emergency Coordinator and rescind the appointment of Tim Harris as Approving Officer.

BACKGROUND

Section 7 of the Village of Pemberton Building Bylaw No. 694, 2012 provides powers to a Building Official to perform activities required for public compliance with the Bylaw. The Bylaw defines a Building Official as including Building Inspectors, Plan Checkers and Plumbing Inspectors as designated by the Village of Pemberton.

At this time, the Village does not have an appointed Chief Building Official. Mr. Faruq Patel was hired in the role of Building Official Level III as of May 1, 2017.

Section 3.2 of the Village of Pemberton Emergency Measures Bylaw No. 539, 2004 states that: *“Council shall appoint a Village of Pemberton Emergency Coordinator to facilitate emergency preparedness, response and recovery measures”.*

At this time, the Village does not have an appointed Emergency Coordinator. Ms. Sarah Toews was hired at the Village’s Emergency Program Coordinator as of May 7, 2018.

In 2015, Tim Harris was appointed as a Village of Pemberton Approving Officer and currently holds that position, however Mr. Harris has provided the Village with notice to terminate his employment as of June 27th, 2018.

DISCUSSION & COMMENTS

While there is no legislative requirement to appoint a “Chief Building Official”, Section 11 of the *Building Act* mandates that Building Officials must meet mandatory qualification requirements in order to practice. Local governments must only hire Building Officials who meet qualifications.

Local governments can appoint Chief Building Officials to act as the *“Authority Having Jurisdiction”*, a role that is referenced in the *BC Building Code*. Staff notes that Mr. Patel is certified as a Level III Building Official.

The role of Emergency Program Coordinator held by Ms. Toews encompasses the responsibilities as outlined in the Emergency Measures Bylaw and as such qualifies her for appointment as Emergency Coordinator.

Along with Mr. Harris, Chief Administrative Officer Nikki Gilmore is also appointed Approving Officer for the Village. Following the rescinding of Mr. Harris' appointment, the Village will still have an Approving Officer should any Development Approvals require sign-off.

COMMUNICATIONS

There is no communications element required at this time.

LEGAL CONSIDERATIONS

It should be noted that the Approving Officer is regulated under the *Land Titles Act* and as such is not directly responsible for decisions to Council. Section 89 of the *Land Title Act* states that any appeals of the Approving Officer's decisions are to be referred to the Supreme Court.

IMPACT ON BUDGET & STAFFING

There is no impact on the budget for the appointments of Chief Building Official and Emergency Coordinator as the responsibilities are incorporated into Mr. Patel's and Ms. Toews' current regular duties respectively.

The Village is currently recruiting for a replacement to fill Mr. Harris' role as Manager of Operations and Development. When the replacement has been hired and is qualified as an Approving Officer, Staff will recommend that they be appointed Approving Officer, which is encompassed in the regular responsibilities of the position.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts anticipated.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This initiative has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Good Governance

The Village is committed to citizen engagement, being an open, honest and accountable government and fiscal responsibility.

Excellence in Service

The Village is committed to delivering the highest quality of municipal services within the scope of our resources.

RECOMMENDATIONS

Recommendation One:

THAT Faruq Patel be appointed the Village of Pemberton Chief Building Official effective June 26, 2018.

Recommendation Two:

THAT Sarah Toews be appointed the Village of Pemberton Emergency Coordinator effective June 26, 2018

Recommendation Three:

THAT Tim Harris' appointment as the Village of Pemberton Approving Officer be rescinded as of June 28th, 2018.

Submitted by:	Wendy Olsson, Executive Assistant/HR Coordinator
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Date: June 26th, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Tim Harris, Manager of Operations and Development Services
Subject: 7335 Old Mill Road – Notice on Title

PURPOSE

The purpose of this report is to provide an update and inform Council of the current situation surrounding 7335 Old Mill Road.

BACKGROUND AND COMMENTS

In April 2008, the property at 7335 Old Mill Road was identified as having buildings for which there were no required permits. After requests by the Village, the property owner failed to bring the buildings into compliance.

The Village's Solicitor filed a court petition in September 2009 to have the property owner bring the non-conforming buildings into compliance or have them removed.

In May 2010, a Consent Order was agreed to in which the property owner agreed that the buildings were built without the required permits and that he would bring them into compliance or have them removed by June 15, 2010.

The property owner failed to remove the illegal buildings by June 15, 2010.

In August 2010, the Village's Solicitor filed an application to enforce the May 2010 Consent Order, and the application went before the Court on January 10, 2011.

The Judge ruled that the property owner was in Contempt of Court for not complying with the May 2010 Consent Order and that he had until June 7, 2011 to bring the buildings into compliance or arrange to have them removed. The Judge also held that if the buildings were not brought into compliance or removed by June 7, 2011, the Village could have the non-conforming buildings removed.

The property owner failed to comply with the June 7, 2011 deadline. The Village waited until September 19, 2011 to send a letter to the property owner stating that he had another sixty (60) days to comply or the Village would carry out the order by removing the non-conforming buildings.

A Request for Proposals (RFP) for demolition services was issued in November, 2011 and a demolition company was engaged to remove the building. Council halted the process at this time and asked that Staff work with the property owner to try and resolve the issues surrounding the building.

Staff worked with the property owner through 2012 and 2013 on the building permit requirements. While the property owner did provide some engineering works, they did not address the main issue of the foundation being built with concrete lock blocks. No recent progress has been made.

In April, 2014 it was noted that the building was being occupied as a residence. Upon further investigation, it was confirmed that the owner was living in the building. The Village's Solicitor was notified and asked to provide the Village with any solutions and liability risks associated with the building now being occupied. A DO NOT OCCUPY notice was posted on the building.

On June 7th, 2018 a letter was sent to the property owners of 7335 Old Mill Road requesting access to the property to conduct a building compliance inspection and to determine the status of the property. On June 12th, 2018 the Village's Building Official, conducted an inspection and found no changes or progress with regards to bringing the buildings into compliance with the BC Building Code.

The property is serviced by municipal water and sewer, but capped off at the property line and will not be approved for connection by Staff until all buildings are brought into compliance. Currently the property is being provided water through an above ground garden hose from the neighboring property located at 7331 Old Mill Road. The Owner of 7335 Old Mill Road claims that the sewer is being trucked out as needed, this has not been confirmed at this time.

A summary of the Village's Solicitor's comments are as follows:

The Village made a bona fide decision not to demolish the building. There is still a risk of liability for damages resulting from allowing the building to remain.

The Village could enter into a Section 219 Covenant with the property owner restricting use of the building. Based on the preceding events, it is highly unlikely the property owner would consent and/or abide by the conditions of such a covenant.

The Village could reapply to the courts for a demolition order and have the building removed. This is the only way to remove the liability risk completely with regards to the use of the building.

*The Village should proceed with a Section 57 Notice on Title (explained in **Appendix A**). This may reduce the liability risk but not eliminate it.*

As per Section 57 of the *Community Charter*, the Village is required to give notice to the registered owner of the land to which the Building Officials recommendations relates, as well as a copy of the report that contains the recommendations, and place the matter before the Council. The property owner was provided with this notice on June 20, 2018, attached as **Appendix B**. After providing the Building Official and the owner an opportunity to be heard by Council, Council may confirm the recommendations of the Building Official and pass a resolution directing the Corporate Officer to file a notice in the land title office.

DISCUSSION

Based on discussions with the Village's Solicitor, Staff is concerned that the amount of risk to the Village could increase if the building was ever occupied by anyone other than the owner. While

the owner has intimate knowledge surrounding the issues with regards to the building, a guest or tenant may not be, thus increasing the liability risks for the Village. If an incident were to happen, it is possible that the Village would be listed in a law suit.

It is the opinion of Staff that the property owner does not have the resources or desire to bring the building into compliance with the BC Building Code.

COMMUNICATIONS

This issue does not require a communications element at this time.

LEGAL CONSIDERATIONS

As mentioned above, the Village sought a legal opinion as to how to limit the risk to the Village given the Court Order was not enforced and has now expired. The summary of the comments is provided below:

The Village made a bona fide decision not to demolish the building. There is still a risk of liability for damages resulting from allowing the building to remain.

The Village could enter into a Section 219 Covenant with the property owner restricting use of the building. Based on the preceding events, it is highly unlikely the property owner would consent and/or abide by the conditions of such a covenant.

The Village could reapply to the courts for a demolition order and have the building removed. This is the only way to remove the liability risk completely with regards to the use of the building.

*The Village should proceed with a Section 57 Notice on Title (explained in **Appendix A**). This may reduce the liability risk but not eliminate it.*

IMPACT ON BUDGET & STAFFING

There have been a considerable amount of legal costs and Staff time spent on this issue to date since 2008. Proceeding with a Section 57 Notice on Title may reduce the risk; however, consideration should be given as to whether another Court Order should be sought.

INTERDEPARTMENTAL IMPACT & APPROVAL

Assistance from the Department of Legislative and Corporate Services will be required should any of the options provided in this report proceed.

Interdepartmental Approval by:	Sheena Fraser, Manager of Corporate & Legislative Services
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IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There are no impacts on the region or neighboring jurisdictions.

ALTERNATIVE OPTIONS

Alternative Options for consideration are as follows:

- 1) The Village proceed with a Section 57 Notice on Title (explained in Appendix A). This may reduce the liability risk but not eliminate it.
- 2) The Village proceed with a Section 57 Notice on Title and reapply to the courts for a demolition order and have the building removed. This is the only way to remove the liability risk completely with regards to the use of the building.

POTENTIAL GOVERNANCE CONSIDERATIONS

This aligns with Councils strategic plan and priorities for good governance.

RECOMMENDATIONS

THAT Council direct Staff to proceed with a Section 57 Notice on Title on 7335 Old Mill Road, Pemberton, BC.

AND THAT Council provides direction on making application to the courts for a demolition order to have the building removed.

Attachments:

Appendix A – Section 57 Notice Explained

Submitted by:	Tim Harris, Manager of Operations & Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Appendix A – Section 57 Notice Explained

Note against land title that building regulations contravened

57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment

that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a) give notice to the registered owner of the land to which the recommendation relates, and

(b) after notice under paragraph (a), place the matter before the council.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

(a) a resolution relating to that land has been made under this section, and

(b) further information about it may be inspected at the municipal hall.

(4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).

(5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.

(6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.

(7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

(a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the *Land Title Act*, and

(b) the assurance fund or the minister charged with the administration of the *Land Title Act* as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).



Village of **PEMBERTON** **BUILDING INSPECTION REPORT**

Date: June 12th 2018
Owner: Barry Higgins
Address: 7335 Old Mill Road

A building inspection was carried out on June 12th 2018 at 7335 Old Mill Road and as a result of the inspection the following conditions were observed with respect to the residential building structure that is in contravention of BC. Building Code and the Village of Pemberton Building Bylaw No. 694, 2012 that relates to the building safety, fire and structural insufficiency.

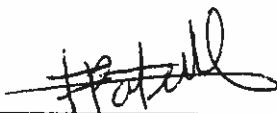
1. The residential building was built in April 14th 2008 without a building permit and without any inspection completed and cannot receive final or occupancy inspection sign offs.
2. The building structure is structurally unsafe due to extensive damage to the rain-screen and exterior walls. The building has not been constructed to the minimum requirements of the BC Building Code.
3. The two-storey residential building structure is supported by a Lock-Block foundation without proper footings below the frost depth of 24" and without a signed and sealed structural drawings and reports from a structural engineer and a geotechnical engineer.
4. The building and roof structure is not designed as per the Village of Pemberton's design loads and snow load.

As a result of the above unsafe conditions, the residential building structure is unsafe and is unlikely to be usable for its intended use; therefore, I recommend to Council that it consider a resolution as per Section 57 (3) the *Community Charter* that states:

After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

- (a) a resolution relating to that land has been made under this section, and*
- (b) further information about it may be inspected at the municipal hall.*

Inspector Signature: _____



Faruq Patel, Building Official

Date: June 26th, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Lena Martin, Manager of Finance and Administration
Subject: Municipal Finance Association (MFA) Equipment Financing

PURPOSE

The purpose of this report is to seek Council's approval to apply for short term equipment financing with the Municipal Financing Association (MFA) of BC, as identified in the 5 Year Financial Plan, for the purchase of:

- Administration Vehicle
- Bylaw Vehicle
- Fire Department Duty Truck
- Administration Printer
- Backhoe

BACKGROUND

As identified in the 2018 – 2022 Five-Year Financial Plan the following equipment financing was completed and is up for renewal; Bobcat, Bylaw Vehicle and Administration Printer. In addition, new equipment financing was approved in the Capital Budget process for an Administration Vehicle and a Duty Truck for the Fire Department.

DISCUSSION AND COMMENTS

The MFA has an equipment financing program that takes the place of the former Leasing program. Loans under this short term borrowing program are available to municipalities under section 175 of the *Community Charter* – Liabilities under agreement.

Benefits of the programs are:

- Low interest rates based on the Canadian Dollar Offered Rate (CDOR) rate
- No fees or taxes
- Local Government retains ownership of asset
- Extra principal payments may be made at any time
- No penalties or fees for paying out early

Terms of the loan:

- Financing for agreement having amortization periods between 1 - 5 years do not require approval from the public
- Variable interest rate with fixed payment schedule

COMMUNICATIONS

There is no communications requirement at this time.

LEGAL CONSIDERATIONS

There are no legal considerations at this time.

IMPACT ON BUDGET & STAFFING

The annual cost of equipment financing has been estimated on a five (5) year amortization schedule and has been included in the 2018-2022 Five Year Financial Plan. The current borrowing rate set by MFA is 2.14% for equipment financing. The following table shows the annual costs for each equipment financing for 2018:

Equipment	Amount
Administration Vehicle	\$3,181
Bylaw Vehicle	\$3,181
Fire Department Duty Truck	\$6,321
Administration Printer	\$2,307
Backhoe	\$18,691
Total	\$33,681

INTERDEPARTMENTAL IMPACT & APPROVAL

The securing of the financing will be facilitated through the Department of Finance and Administrative Services.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There are no impacts on the region or neighboring jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options that Staff recommends at this time.

POTENTIAL GOVERNANCE CONSIDERATIONS

Ensuring that the Village has the proper equipment necessary to perform municipal services is in keeping with Strategic Priority Theme Three: Excellence in Service by ensuring that the Village continues to deliver the highest quality of municipal services within the scope of our resources.

RECOMMENDATION

Recommendation One: THAT Council receives this report from the Chief Financial Officer, dated June 26th, 2018 regarding financing for the purchase of new Capital Equipment;

Recommendation Two: THAT Council of the Village of Pemberton authorizes up to \$30,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of an Administration Vehicle;

AND THAT Council of the Village of Pemberton authorizes up to \$30,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Bylaw Vehicle;

AND THAT Council of the Village of Pemberton authorizes up to \$60,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Fire Duty Truck;

AND THAT Council of the Village of Pemberton authorizes up to \$12,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of an Administration Printer;

AND THAT Council of the Village of Pemberton authorizes up to \$150,000 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of a Backhoe;

AND THAT the loan(s) be repaid within five (5) years, with no rights of renewal.

Attachments:

There are no attachments included in this report.

Submitted by:	Lena Martin, Manager of Finance and Administrative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Date: June 26, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Cameron Chalmers Consulting, Consulting Planner
Subject: Major Development Permit 013 (DPA013)

PURPOSE

The Village of Pemberton has received a Development Permit application from Urban West Architecture on behalf of Sunstone Ridge Developments Ltd. to build a 52-unit multi-family residential townhouse project. The subject property is Lot 5, District Lot 211, Lillooet Land District, Plan EPP72101, and is located at an unnamed “Road A” at the Sunstone development. The property is designated as a Development Permit Area for Form and Character in the Village’s Official Community Plan under DP Area No. 6 – Multi-family and/or Commercial Development. The purpose of this report is for Council to consider authorizing issuance of the attached DP, which includes a variance to the Village of Pemberton Zoning Bylaw No. 466 Parking Regulations with respect to visitor parking.

BACKGROUND

Sunstone is a multi-phase residential development that has been subject to multiple approvals over a number of years. There are currently Tentative Approval Letters issued for the first two phases of the development, which would result in the subdivision of 89 residential lots. The subject application represents the third phase of development, and the first phase of multi-family housing, with additional phases contemplated in the future on adjacent lands.

The application submission was received on April 23, 2018 and was referred to internal departments for comment. None of the comments affect Council’s consideration of the Development Permit (DP) and its compliance with the Development Permit Area Guidelines.

The application was also referred to the Advisory Design Review Committee (ADRC) which considered the application on May 10, 2018 and passed the following resolutions as recommendations to Council:

***THAT** the ADRC recommend to Council that Development Permit Application DPA-013, Elevate @ Sunstone, be supported as presented with a recommendation that the number of visitor parking stalls be reviewed.*

CARRIED

Two members Opposed

***THAT** the ADRC further recommends that staff ensure that consideration is given to the potential addition of a sidewalk from Road A to the entry of the development and that attention is paid to FireSmart Principles with respect to landscaping.*

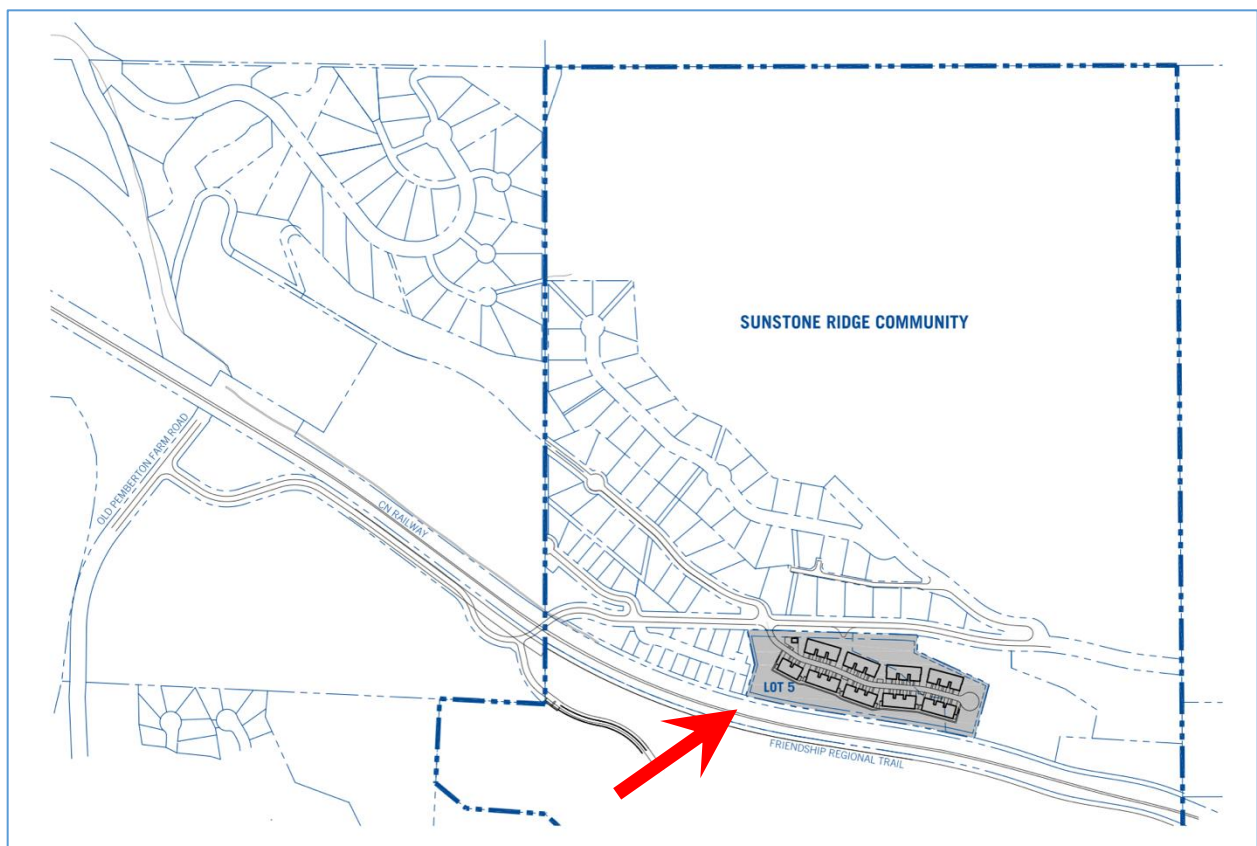
CARRIED

Following the ADRC, the Applicant modified the proposal, particularly with respect to on-site landscaping, additional snow-storage, and additional on-site visitor parking as per the ADRC recommendation. Balance between FireSmart principles and the preservation of native landscaping around the perimeter of the site were discussed and are reflected in the DP

SITE DESCRIPTION

The 2.7 Ha. site is located between the Village Centre and the Business Park, accessed from Highway 99 by Pemberton Farm Road East. The internal road system will be developed contemporaneously with the first phase subdivision to provide access to the subject lands.

The lands are presently undeveloped, treed and have a prominent sloping aspect as a hillside site. The neighbouring properties are presently undeveloped, but the first phase subdivisions contemplate single detached lots, including a phase of small lots north and northwest of the subject lands. The property is bounded to the east by lands owned by the same owner for future phases, likely of multi-family townhouse development. The south boundary abuts the CN Rail line, with a community trail and the Friendship Trail running parallel to the rail-line.



PROPOSAL DESCRIPTION

As illustrated in **Appendix A**, the proposal is to develop fifty-two (52) residential townhomes consisting of eighteen (18) three-bedroom units and thirty-four (34) two-bedroom units in nine (9) buildings.



The units range from approximately 1,670 sq. ft. to 1,707 sq. ft. for two-bedroom units and 1,941 sq. ft. to 2,068 sq. ft. for three-bedroom units. The proposed site plan identifies eight six-plex buildings and one four-plex building. There is an additional refuse structure located near the entrance.

The site has been designed to accommodate the topography. The strata road will slope at an average of approximately 5%, and the two rows of units are at significantly different elevations, creating a cascading effect down the hillside. The lower portion of the development site will require retention, and additional details have been sought on the form and character of the retention structure, as it will be visible from nearby properties and two public trails.

As the development covers 22% of the site, there is an opportunity to retain a portion of the existing vegetation and coniferous trees around the perimeter of the development area. The remainder of the site will be landscaped with a mix of flowering plants, grasses, and deciduous and coniferous tree plantings as shown on the attached landscape plans.

Parking will be provided with single and double garages attached to each unit based on unit-type. The project also proposes driveway lengths that will accommodate additional parking in front of each unit. Accordingly, the application represents that two-bedroom units will each have two parking stalls, and the three-bedroom units will have four stalls, including the driveway parking. This results in 140 parking stalls provided to accommodate the residential development. The Bylaw requirement for this project would be 109 stalls, resulting in a surplus of 31 stalls. Based on the surplus parking, the owner is seeking a variance to the visitor parking standard from the 13 stalls required under the bylaw to seven (7). Staff have included the variance to the parking standard in the Development Permit.



Architectural features include butterfly and sloped roofing, extensive glazing, substantial deck areas, and prominent roof overhangs to soften the massing of the buildings and respond to the topography of the site and viewscape. The siting is intended to work with the contours of the site and minimize the visible impacts of the hillside development.

Materials include smooth finished concrete, Hardie board siding and metal roofing, creating a durable exterior in grey tones. Cedar soffits and wood exterior stair tread will soften the exteriors of the buildings through the use of wood.

The Applicant represents that passive building design principles have been implemented to minimize energy usage and carbon footprint, referencing the south-facing glazing and deep roof overhangs to provide summer shading.

The landscaping similarly responds to the topography, providing exterior stairs between grades, outdoor spaces, and a range of plantings.

The Applicant has provided a design rationale, included as **Appendix “B”**.



COMPLIANCE WITH ZONING BYLAW

RTA-1

The subject property is zoned Residential Townhouse Amenity One (RTA-1). The following is an assessment of the proposal in the context of the Zoning Bylaw requirements:

- a) Townhouse is a permitted land use in the RTA-1 zone, as per Zoning Amendment.
- b) The proposal is below the maximum 25 units/Ha. density permitted on the site, proposing 19 units/Ha.
- c) The buildings cover 22% of the site, well below the maximum lot coverage of 40%, resulting in a FAR of 0.417, below the maximum 0.5 FAR.
- d) The building would comply with the front, rear, north interior and south interior lot line setback requirements.
- e) The buildings comply with the 10.5 metre maximum height requirements of the zone.
- f) The proposal exceeds the required parking standard of 109 residential parking stalls, providing 140 spaces. However, the Applicants are seeking variance to the required visitor parking stalls. The bylaw requires 13 stalls and the proposal accommodates 7 visitor stalls, necessitating a variance to the Zoning Bylaw.

VARIANCE REQUEST

The attached DP includes a provision to vary the Zoning Bylaw standard for visitor parking from 13 stalls to 7 stalls. Section 490 of the *Local Government Act* empowers municipalities to vary

provisions of the Zoning Bylaw through a Development Permit, and given the lack of neighbours and negligible off-site impacts, this is the approach recommended by Staff.

The request is made based on the excess supply of standard parking spaces. In essence, the larger units will accommodate four (4) parking stalls per unit, enabling the use of those surplus stalls by visitors. The DPA guidelines suggest minimizing the visual impacts of visitor spaces, and therefore support the variance through the Development Permit, as the amount of paved surface will be reduced while ensuring there is ample parking for the project overall, which is also supported by the DPA guidelines.

Accordingly, Staff support the variance request and have included it within the permit.

COMPLIANCE WITH DEVELOPMENT PERMIT GUIDELINES

The subject property is situated within Development Permit Area No. 6 – Multi-Family and/or Commercial Development. The guidelines address such issues as siting, building form, open spaces, circulation & parking and streetscape improvements & landscaping. The guidelines can be found in the Village’s Official Community Plan, Bylaw 654, 2011, Section 7.0 – General Form and Character Guidelines (p. 44) and Section 7.4.4 – DP Area # 6 (p. 49) by following this link: <https://www.pemberton.ca/public/download/documents/36999>

The following table summarizes Staff’s initial review of the application against the applicable DPA guidelines:

Applicable Guideline	Comments
Objectives: 7.4.4.1	
Create livable attractive neighbourhoods	The proposal represents a well-designed multiple-family development in an emerging neighbourhood.
Provide visual and physical cohesiveness that reflect our small-town character	The proposal is on a sloping site and responds well to mitigate the visual intrusiveness of the development at an appropriate scale.
Guidelines: 7.4.4.2	
a) Siting: minimize direct visual intrusion to surrounding homes, through balconies, decks, patios, screening, off-setting windows	The site is isolated and does not impact any existing development. As a sloping site, it utilizes the natural topography to inform building siting to minimize the visual impact of the development from surrounding areas. The building design incorporates oversized patios, large overhangs, and natural landscaping to further minimize the visual impact.
b) Building Form: break up larger buildings; ensure reflects the scale and	The building form is directly informed by the sloping aspect of the site. The down-slope and up-slope buildings have been specifically designed to work with the

<p>character of area, provide sufficient and secured exterior accessed storage</p>	<p>topography on the site. This, coupled with the sloping roof forms, and overhangs and decks will soften the scale of the project. Each unit will have garage access, providing sufficient and secured storage from the exterior of the buildings. The contemporary design will reflect the character of an emerging neighbourhood.</p>
<p>c) Open Spaces: designed to accommodate passive and/or recreational activities</p> <ul style="list-style-type: none"> • Outdoor open space for each unit • Fences only if they contribute to the attractiveness of neighbourhood and will be durable 	<p>The proposal covers 22% of the site, enabling opportunities for passive recreation and greenspace. The site topography limits options for active recreation. Each unit has substantial open space, and decks, with landscaped yards provided where suitable. The natural landscaping reduces the need for fencing. Feature walls will define portions of the site and screen exterior stairs. Retaining walls will be screened by native vegetation.</p>
<p>d) Circulation and Parking: internal and external circulation, parking and servicing is important:</p> <ul style="list-style-type: none"> • Situate parking areas as minor component of site when viewed from street • Fully screen all exterior services, such as garbage within an enclosure and landscaping 	<p>Parking for the proposal is contained within garages, and driveways. There is a limited number of visitor stalls, and no parking areas are located in areas visible from surrounding streets. A variance request for visitor parking has been made to reduce the requirement from 13-7 stalls based on the oversupply of residential parking. This will minimize unnecessary site disturbance and paving. Garbage is proposed in a street-fronting location within an enclosure.</p>
<p>e) Streetscape Improvements and Landscaping: should provide amenities for residents and surrounding neighbourhood</p> <ul style="list-style-type: none"> • Install landscaping along all properties lines, except access • Provide irrigation for all landscaped areas (except natural areas) • Utilize landscaping to provide definition for pedestrian corridors 	<p>There will be substantial natural vegetation remaining, particularly around the perimeter of the site to provide visual screening. Interior landscaping is ample and will provide a suitable streetscape. Soft and hard landscaping will define walkways and exterior stairways, including architecturally detailed feature walls. Cut and fill will be required over much of the site – even though the proposal</p>

<p>and defining private or semi-private spaces</p> <ul style="list-style-type: none"> • Accommodate grading on property, minimizing cut and fill, retaining walls are discouraged. • Incorporate landscaped areas within parking lots to break up large paved areas and winter snow-storage areas. 	<p>responds very well to the topography. The application contains details on how the project will manage retention with a balance towards screening and architectural treatment to soften the visual impact.</p> <p>Limited parking areas are provided through the site but are appropriately screened by landscaping.</p>
--	--

COMMUNICATIONS

A Project Information Sign has been placed on the site as per Schedule G of the Village of Pemberton’s *Development Procedures Bylaw No. 725, 2013*.



LEGAL CONSIDERATIONS

The issuance of Development Permit DPA013 is regulated by the *Local Government Act (LGA)* ss. 489 and 490. All legal considerations related to the DVP have been met at this time.

IMPACT ON BUDGET & STAFFING

All costs associated with the processing of this application, including Staff and consulting time, are recoverable as per the Village of Pemberton Development Procedures Bylaw 725, 2013 as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no interdepartmental impact or approvals required respecting the processing of this application as it is a function of the Operations and Development Services Department.

OPTIONS:

1. Authorize DPA013 for issuance as identified under the Recommendations section below;
2. Refer the application back to Staff and the Applicant to address specific concerns;
3. Modify the request as seen acceptable by Council;
4. Resolve to issue DVP as proposed, with additional conditions;

POTENTIAL GOVERNANCE CONSIDERATIONS

The review and processing of this Development Permit Application meets with Strategic Priority No. 3 Excellence in Service by committing to delivering the highest quality of municipal services within the scope of our resources.

RECOMMENDATIONS

THAT DPA013 be authorized for issuance, and the Mayor and Chief Administrative Officer be authorized to execute the Permit;

THAT issuance of DPA013 be subject to provision of landscape bonding in the amount of \$337,536;

AND THAT DPA013 hereby varies Section 508(1) of the Village of Pemberton Zoning Bylaw No. 466 by reducing the required number of Visitor Parking Stalls from 13 to 7.

Attachments:

Appendix A – Development Permit No. DPA013
Appendix B – Architects Design Rationale

Submitted by:	Cameron Chalmers, Cameron Chalmers Consulting
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer



Mayor Mike Richman & Council,
Village of Pemberton,
Box 100,
Pemberton, B.C., V0N 2L0

June 21, 2018

Dear Mayor Richman & Council ;

Tourism Pemberton would again like to thank you for the funds afforded to us through the CIOF.

As you know, Tourism brings an exceptional amount of dollars to our community , along with jobs. Many jobs exist because of Tourism. Our mandate is to create Tourism opportunities and our greatest accomplishment is the continuation of the Slow Food Cycle Sunday. The budget last year was \$30k and without the help from our many sponsors the event would not have been the success that it was.

As with most economic development initiatives, Tourism Pemberton requires additional funding. The Area C Director of the SLRD generously increased funding this year to \$10k from the matching \$4K. We seek additional funds either matching to the limit of the SLRD or a \$2500 contribution to again match the SLRD funds directly as a sponsor of the SFCS event.

Tourism Pemberton will also be hosting a Long Table Dinner the afternoon of the evening prior to Slow Food Cycle Sunday keeping in with the tradition of showcasing our local farms and farm products.

Thanking you in advance,

Yours truly,

A handwritten signature in black ink, appearing to read "Mark Mendonca".

Mark Mendonca, President.

info@tourismpembertonbc.com www.tourismpembertonbc.com
Box 602, Pemberton, British Columbia, CANADA, V0N 2L0



June 20, 2018

Dear Mayor and Council, Chairs and Board of Directors, and community leaders in affordable housing,

Re: National Housing Co-Investment Fund Applications are Welcome

As you know, on May 2nd the Honourable Jean-Yves Duclos, Minister of Families, Children and Social Development announced the launch of the National Housing Co-Investment Fund (NHCF). These funds are intended to flow directly to municipalities, as we strive to support dynamic local partnerships. The fund is intended to apply to unique housing circumstances and need.

Further details on the application process can be found here: <https://www.nhs-snl.ca/en/national-housing-co-investment-fund-new-construction-stream>. We are here to help you at all times in preparing an application.

Here are your contacts for further information or assistance:

In Ottawa, Morgan McCullough: pam.goldsmith-jones.a2@parl.gc.ca

For West Vancouver-Sea to Sky Corridor, Ravneet Minhas: pam.goldsmith-jones.c1c@parl.gc.ca

For the Sunshine Coast, Lucie McKiernan: pam.goldsmith-jones.c1b@parl.gc.ca

It is very helpful to us if you could please copy our office on your application submission.

Sincerely,

A handwritten signature in blue ink that reads "P. Goldsmith-Jones".

Pamela Goldsmith-Jones, M.P.
West Vancouver-Sunshine Coast-Sea to Sky Country

Confederation Building, Room 583 | 6367 Bruce Street
Ottawa, ON K1A 0A6 | West Vancouver, BC V7W 2G5
Tel: 613 947 4617 Fax: 613 947 4620 | Tel: 604 913 2660 Fax: 604 913 2664

pam.goldsmith-jones@parl.gc.ca
www.pgoldsmithjones.ca

Village of Pemberton
Regular Council Meeting No. 1473
Tuesday, June 26, 2018



Jonathan X. Coté
Mayor

June 7, 2018

Dear Mayor and Council,

VIA EMAIL

Re: Changes to the Strata Property Act

On July 28, 2016, changes were made by the Provincial Government to the Strata Property Act so that strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement.

The noted changes to the Strata Property Act may have negative impacts to residents including:

- Conflicts between owners who want to liquidate the strata corporation and sell the strata building and lands and those who do not want to liquidate.
- Situations where some owners may receive lower sales proceeds for their units than their assessed values.
- Developers pushing strata owners and strata councils to liquidate the strata corporation and sell the strata buildings and lands.
- Loss of rental units, a significant concern given the persistently low vacancy rates in the rental market (1.1% in New Westminister in October 2017) and the large number of renter households living in condominiums in New Westminister (3,109 in October 2017).
- Undue influence of investors who have purchased many units within a building.

There appears to be no studies conducted by the Provincial Government or other agencies on the potential positive and negative impacts on residents of the changes to the Strata Property Act.

For these reasons, at a meeting on Monday, May 28, 2018, New Westminister City Council passed the following for consideration at the UBCM Convention in September, 2018:

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can create conflicts among owners within a strata building who want to terminate the strata and sell the strata building and lands and those owners who do not want to terminate the strata and sell the strata building and lands; and

Office of the Mayor

Corporation of the City of New Westminster

511 Royal Avenue, New Westminister, BC • Canada V3L 1H9 T (604) 527 4522

www.newwestcity.ca

F (604) 527 4594 Village of Pemberton

Regular Council Meeting No. 1473

Tuesday, June 26, 2018

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can also create situations where some owners may receive far less in sales proceeds for their units than their assessed values and force owners who do not want to sell their units to sell their units; and

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 may encourage developers to aggressively push strata owners and strata councils to terminate their strata corporations and sell the strata buildings and lands; and

Whereas, under some circumstances, terminating a strata corporation may be the best choice for strata owners. As some older strata buildings reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs; and

Whereas municipalities are limited in their ability to address these issues;

THEREFORE, BE IT RESOLVED:

THAT the Union of BC Municipalities urge the Provincial Government of British Columbia to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.

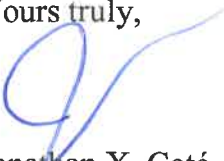
I am writing to ask for your support of this resolution at the convention in September.

A council report giving more background is attached.

If you have any questions or would like more information, please contact me at jcote@newwestcity.ca or 604-527-4522.

Thank you for your attention to this matter.

Yours truly,



Jonathan X. Cote
Mayor

Attach: Council Report "Changes to the Strata Property Act: UBCM Resolution"

REPORT

Mayor's Task Force on Housing Affordability

To: Mayor Coté and Members of Council **Date:** 5/28/2018

From: Mayor's Task Force on Housing **File:** 01.0020.40
Affordability

Item #: 122/2018

Subject: Changes to the Strata Property Act: UBCM Resolution

RECOMMENDATION

1. **THAT** Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to changes to the Strata Property Act as contained in this report.
2. **THAT** the Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. **THAT** Council direct staff to send a letter to the British Columbia Ministry of Municipal Affairs and Housing to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.

PURPOSE

This report discusses the changes made to the Strata Property Act in July 2016 and their potential impacts on strata property owners. The purpose of this report is to seek Council endorsement of a resolution to the Union of British Columbia Municipalities (UBCM) to recommend further study of the impact of these recent changes and to request a possible modification of these recent changes if supported by further research results.

EXECUTIVE SUMMARY

On July 28, 2016, changes were made by the Provincial Government to the Strata Property Act so that strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement.

The changes to the Strata Property Act were discussed by the City's Community and Social Issues Committee and the Seniors Advisory Committee, with both being supportive of a review and with most members suggesting a higher percentage.

BACKGROUND

Effective July 28, 2016, strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement. As described on the Provincial Government's website, the changes include "court oversight to protect any minority dissenting owners and registered chargeholders (e.g. mortgage providers)."

Attachment 1 contains excerpts from the website describing Strata Termination (Winding Up) Legislation (July 2016) which describes these changes. Attachment 2 contains the article "How simple is liquidation of a strata corporation?" from the Condominium Homeowners' Association, as published in the Spring 2016 issue of CHOA Journal, which provides a detailed step by step process in the liquidation of a strata corporation, including timelines.

As of July 7, 2017, according to CHOA, there have been five strata buildings in British Columbia sold to developers since the legislation came into place. According to the Land Title and Survey Authority of BC, as of January 9, 2018, there were 31,100 filed strata plans in British Columbia. Therefore, the percentage of strata buildings sold to developers since the legislation changed is fairly small (less than one percent).

DISCUSSION

Potential Impacts

The noted changes to the Strata Property Act may have negative impacts to residents including:

- Conflicts between owners who want to liquidate the strata corporation and sell the strata building and lands and those who do not want to liquidate.
- Situations where some owners may receive lower sales proceeds for their units than their assessed values.

- Developers pushing strata owners and strata councils to liquidate the strata corporation and sell the strata buildings and lands.
- Loss of rental units, which is a significant concern given the persistently low vacancy rates in the rental market (1.1% in New Westminster in October 2017) and the large number of renter households living in condominiums in New Westminster (3,109 in October 2017).
- Undue influence of investors who have purchased many units within a building.

At the same time, terminating a strata corporation may be the best choice for strata owners when older strata buildings reach the end of their life cycle; the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs.” Having a 100% requirement may create financial hardship for the majority of owners who need to sell if a few owners do not want to sell.

There appears to be no studies conducted by the Provincial Government or other agencies on the potential positive and negative impacts on residents of the changes to the Strata Property Act.

CONSULTATION

Community and Social Issues Committee

The Community and Social Issues Committee discussed the changes to the Strata Property Act on May 8, 2018. Based on the discussion, committee members expressed concern about real estate speculation, particularly related to older strata buildings located on frequent transit corridors, including SkyTrain; the potential conflicts which could occur in strata corporations; the possibility of block voting by investors who own multiple strata units; and the potential impacts on renters of strata units, who may lose their housing. There was general support of a review of the changes, with a view to considering a higher percentage.

Seniors Advisory Committee

The Seniors Advisory Committee discussed the changes to the Strata Property Act on May 10, 2018. Based on the discussion, committee members expressed concern about the apparent lack of research that went into the changes, particularly related to unintended consequences; the increasing number of purchasers that see their strata units as investments and not homes; and the potential for block voting. Several members spoke about the importance of aging in place and felt that the changes were counter to this goal. Several other members called for a higher percentage (e.g., 90%). There was general support for a review of the changes, with a view to considering a higher percentage.

RECOMMENDED UBCM RESOLUTION

Given the above, the following resolution is recommended to be forwarded to the Union of BC Municipalities for consideration at its Annual Conference in September 2018.

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can create conflicts among owners within a strata building who want to terminate the strata and sell the strata building and lands and those owners who do not want to terminate the strata and sell the strata building and lands.

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can also create situations where some owners may receive far less in sales proceeds for their units than their assessed values and force owners who do not want to sell their units to sell their units.

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 may encourage developers to aggressively push strata owners and strata councils to terminate their strata corporations and sell the strata buildings and lands.

Whereas, under some circumstances, terminating a strata corporation may be the best choice for strata owners. As some older strata buildings reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs.

Whereas municipalities are limited in their ability to address these issues

THEREFORE, BE IT RESOLVED:

THAT the Union of BC Municipalities urge the Provincial Government of British Columbia to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.

NEXT STEPS

Should Council endorse the proposed approach, staff would forward this motion to other BC municipalities for their endorsement. Staff would also forward this resolution to UBCM on or before June 30, 2018 for their consideration of this resolution at the UBCM annual general meeting in September 2018.

OPTIONS

There are four options for consideration:

1. That Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to changes to the Strata Property Act as contained in this report.
2. That Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. That Council direct staff to send a letter to the British Columbia Ministry of Municipal Affairs and Housing to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.
4. That Council provides staff with other direction.

Staff recommends options 1, 2, and 3.

ATTACHMENTS

Attachment 1: Provincial Government of British Columbia - Termination (Winding Up) of Strata Corporations

Attachment 2: Article - "How simple is liquidation of a strata corporation?"

This report has been prepared by:
Tristan Johnson, Planning Analyst

This report was reviewed by:
John Stark, Acting Manager of Planning

Approved for Presentation to Council



Jackie Teed
Acting Director of Development
Services



Lisa Spitale
Chief Administrative Officer

Attachment 1

Provincial Government of British Columbia – Termination (Winding Up) of Strata Corporations

Termination (Winding Up) of Strata Corporations

Strata corporations can now terminate (wind up and cancel the strata plan) with an 80% vote of all owners, instead of the previous unanimous voting requirement.

It is strongly recommended that a strata corporation considering termination seek independent professional and legal advice well in advance of a vote to wind up (terminate). There are many steps in the termination process and not all of these are referenced in strata legislation.

Bare land strata corporations ("strata subdivisions") wishing to terminate must also notify the applicable local government 90 days in advance. A bare land strata corporation considering termination may wish to transfer responsibility for bare land strata services (e.g. sewer, roads, water) to local government. *The applicable local government does not have to accept responsibility for any bare land strata services. Prior to a vote on termination, the strata should clarify how services will be provided.*

This page provides a basic overview of the strata termination process; it is not a substitute for legal advice.

Learn more on this page:

[Why Would a Strata Corporation Choose to Terminate?](#)

[From Unanimous to 80%](#)

[Overview of the Termination Process](#)

[Exploring Termination](#)

[Giving Notice of a General Meeting for a Termination Vote](#)

[Voters](#)

[Court Oversight](#)

[Submitting an Application to the Land Title Office](#)

[Bare Land Stratas - Additional Requirement](#)

Why Would a Strata Corporation Choose to Terminate?

Under some circumstances, terminating a strata corporation may be the best choice for strata lot owners. As some older strata corporations reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs. Sometimes the land can be sold for redevelopment; for example, a low-rise building could be redeveloped into a building with many more units.

Bare land stratas ("strata subdivisions") may want to terminate as well; this is known as cancelling the bare land strata plan. For example, a bare land strata corporation may want to convert to a fee simple (non-strata titled) subdivision or, in certain circumstances, become a single parcel with "tenants-in-common".

From Unanimous to 80%

Effective July 28, 2016, strata owners are now able to terminate (wind up) their strata corporation with an 80% vote instead of the previous difficult-to-achieve unanimous voting requirement. Many other jurisdictions, including Alberta and Ontario, do not require a unanimous vote to terminate.

The 80% vote means the termination resolution **must have 80% approval of all the registered owners**. It is not a quorum vote. Unlike majority and 3/4 votes, it is not an 80% vote of those owners present, or holding

proxies, at the meeting (learn more in [types of voting](#)). For strata corporations with fewer than 5 strata lots, the 80% voting threshold is effectively unanimous.

Given the significance of terminating a strata corporation, there is court oversight to protect any dissenting owners and registered charge holders (e.g. mortgage providers).

[These changes to the Strata Property Act](#) are based on the [BC Law Institute's recommendations](#). There was extensive public consultation and the changes are widely supported by the strata community.

Overview of the Termination Process

Voluntary winding up from initial exploration to finalizing the sale (or liquidating) and owners moving out can take up to 18 months or even longer. This section provides a general overview of voluntary winding up but it does not list all the steps. Strata corporations are strongly advised to seek independent professional and [legal advice](#) from a knowledgeable strata lawyer as it is important to understand the full termination process and implications, well in advance of a vote to wind up a strata corporation. A lawyer can also advise on the pros and cons of voluntarily winding up with and without the services of a liquidator. (In addition to voluntary winding up, the *Strata Property Act* also continues to allow a court-ordered winding up, a rare occurrence).

Sometimes strata lot owners may be concerned about protecting their interests. The termination process has a number of safeguards built in including: advance notification to every owner; an 80% vote of approval from all owners (not a quorum vote from those present, or holding proxies, at a meeting); and court oversight. However, individual owners may also wish to consult a strata lawyer for independent advice.

Listed below are some other resources if termination is being considered:

- [Strata associations](#) have information about the new termination process and may offer consultation services for a fee.
- The [Civil Resolution Tribunal \(CRT\)](#) does not replace the court's role in the termination process. However the CRT can play a role to address certain unfair actions under sections 164 and 173 of the *Strata Property Act*. The CRT may make an order:
 - regarding an action or threatened action by the strata corporation, including the council, in relation to an owner or tenant
 - regarding a decision of the strata corporation, including the council, in relation to an owner or tenant
 - directed at the strata corporation, the council or a person who holds 50% or more of the votes, if the order is necessary to prevent or remedy a significantly unfair action, decision or exercise of voting rights.
- If there are concerns about professionals not acting in good faith, please check with their professional disciplinary bodies.
- Additional information on the termination process includes: CHOA's spring 2016 Journal Article "[How Simple is Liquidation of a Strata Corporation?](#)" and a [termination \(winding up\) infographic \(pdf\)](#) by Clark Wilson LLP.

Exploring Termination

Often a termination process starts when a developer approaches a strata corporation wishing to buy all the strata lots for redevelopment. Or a strata corporation may be interested in winding up and selling for redevelopment because of excessive repair and maintenance costs.

Open and transparent communication with owners is essential. Information meetings should be held with owners from the very beginning to discuss options and collectively learn more about termination (winding up) including disbursement of funds to owners (if selling to a developer), costs and fees.

Owners will also want to understand how funds from selling would be disbursed. Disbursement to owners will be affected by when the strata plan was filed: before August 1974, unit entitlement; August 1974 to 2000, interest upon destruction; after 2000, relative assessed values.

If the majority of owners are interested in termination, usually a resolution is adopted to enable the strata council to move the process forward and hire legal counsel. Given the costs of the legal review and governance implications, the strata council should only proceed once the owners have formally given direction. The strata corporation is strongly advised to obtain independent legal and professional advice.

The strata council may also hire a real estate broker to market the property or negotiate an offer from a developer. When hiring a broker, the strata corporation's legal counsel should closely review: the terms and conditions of the agency agreement; the commission rates; and whether any type of limited dual agency (i.e. representing both buyer and seller) is permitted.

There is no set procedure but once an eligible offer has been received, a resolution to terminate can be drafted. The winding up resolution should be drafted by the strata's legal counsel and will usually be a detailed multi-paged document. The termination resolution will authorize termination of the strata plan, authorize the strata corporation to apply to the Supreme Court for termination orders and a vesting order authorizing the cancellations of the strata plan and winding up of the strata corporation; approve expenditures (funding for the lawyer, liquidator, liquidator's legal representation, fees and commissions); and may also address miscellaneous matters like move out timelines or rent-free periods.

Giving Notice of a General Meeting for a Termination Vote

A strata corporation is required to give at least two weeks' written notice of a general meeting. However if the agenda includes a resolution on termination, the strata must give at least four weeks' written notice. Four weeks actually means at least 32 days when also considering the notice requirements under the *Interpretation Act*. If the general meeting is called by petition, then eight weeks' written notice (at least 60 days when also considering the notice requirements under the *Interpretation Act*) is needed.

The notice of the general meeting to vote on termination must be given to all persons who are entitled to receive the meeting notice, regardless of whether a person previously waived the right to receive notification. Learn more about [notice requirements](#) and [preparing for a general meeting](#).

Voters

Approving a strata termination resolution requires an 80% vote of approval from all the strata owners. It is not a [quorum vote](#) of those owners present or holding proxies at a meeting.

Given the importance of a termination resolution, all [strata owners are eligible to vote](#) on the resolution, regardless of any provisions in the bylaws making a strata owner ineligible to vote if the owner has unpaid special levies or unpaid strata fees.

In some situations a mortgagee (the person, organization or financial institution holding the mortgage) of a strata lot may vote at a general meeting on matters relating to insurance, maintenance, finance or other

matters affecting the security for the mortgage. However, a mortgagee is not permitted to vote on a resolution to terminate a strata corporation.

Court Oversight

After passing a resolution to terminate, a strata corporation with five or more strata lots must apply to the BC Supreme Court for an order confirming termination.

For small strata corporations with fewer than five lots, the requirement for an 80% vote to terminate is effectively unanimous. These stratas may choose whether to apply for a court order or not. On the one hand, obtaining a court order has a cost. On the other hand, having a court order means small strata corporations do not have to get unanimous written consent of the registered chargeholders.

The *Strata Property Act* provides guidance to the court in how to consider the best interests of the owners, including any significant unfairness to any dissenting minority owners or registered charge holders (e.g. mortgage provider) and ensures all parties have a standing in court.

Submitting an Application to the Land Title Office

When the strata corporation is ready to submit an application to the [Land Title Office](#) to cancel a strata plan, the strata corporation in addition to other documents, must include the following:

If the strata has obtained a court order:

- a Certificate of Strata Corporation confirming:
 - the winding up (termination) resolution has passed, and
 - the strata corporation has no debts other than the debts held by holders of registered charges.
- a copy of the court order

If the strata has fewer than 5 strata lots (and does not obtain a court order):

- the written consent of all holders of registered charges
- a [Form E Certificate of Strata Corporation for Section 274](#) confirming:
 - the winding up (termination) resolution has passed, and
 - the strata corporation has no debts other than the debts held by persons who have consented in writing to the winding up of the strata corporation.

Attachment 2

Article – “How simple is liquidation of a strata corporation?”



How simple is liquidation of a strata corporation?

Tony Gioventu / CHOA

Liquidation is a dramatic step for a strata corporation and your community of owners, many of whom have probably lived there for 30+ years. The potential for errors, or the owners being at a disadvantage, is very high, so it is essential to follow some basic steps of decision making. There are two basic factors that affect a liquidation from the owners' perspective: value of the property and the condition of the property which can be assessed with the help of a depreciation report.

The information in the depreciation report could influence the owners decision to maintain versus liquidate; however, all strata corporations need to remember that until they have voted to liquidate, the strata corporation must still maintain and repair its property. Then consider the transaction costs associated with liquidation including brokerage fees, liquidation costs and legal fees, what's the right time and what's the right price

It differs for every project based on land use and value. A project that may yield only the current assessment value could be a prudent decision if each owner is facing a \$100,000 special levy for repairs, whereas a development in great condition may not consider a sale unless they can see a 200-300% increase in value. For real estate value it is still the same three conditions: location, location, location.

In the fall of 2015, the *Strata Property Act* was amended, lowering the voting requirement for liquidation from 100% to 80% of the schedule of voting rights.

Please note the amendments are not in force as the development of regulations are still required. Even though the change is significant, obtaining 80% of the total number of votes will be extremely difficult to achieve and will require an application to the Supreme Court of BC to approve the decision as part of the legislative amendment.

There are two methods of selling the property. Option 1: A developer or speculator purchases all of the units directly from each owner. The strata is not involved in the liquidation process and the deal is fairly clean. Option 2: a strata corporation votes for a liquidation which may be complicated. An advantage of this option is it gives the strata owners the collective ability to market their property for competitive bidding and obtain the best price.

Consumers want the best price and the best terms for their property before they will consider selling. To reach this objective, a logical process is helpful for the strata corporation to follow. They begin with a general meeting of the owners to determine if the owners want the council to investigate selling the property. The strata owners will vote by at least a majority vote to give council authority to start the process and to retain an independent lawyer who will act solely for the strata throughout the process. The strata council will also want to review proposals from a number of commercial brokers who will market the property, with negotiable fees generally from 1-2% of the total sale.

Once strata council has completed a legal review of the contract and retained

a broker, the broker proceeds with marketing the property. Developers and land speculators will be invited to assess the property, and submit offers.

The offers may take into consideration location, expanded development opportunity, transit and community access, neighbouring developments and amenities, plus the overall potential for the site. This phase usually takes 3-6 months.

When the broker finalizes a short list of generally 3-5 of the highest offers the strata council and their lawyer will meet to review the offers, perhaps counter offer and will consider the terms and conditions of the offer. When the details are clear the final offer is tentatively agreed upon subject to the approval of the owners at a general meeting.

Once the final offer is approved in principle the complicated work begins. Around months 6-12 the final negotiation of the purchase conditions and price are completed and the strata's lawyer will prepare the 80% vote resolution that authorizes the liquidation, authorizes the court application to ratify the decision, and to appoint a liquidator. The liquidator will be responsible for the receipt of the money from the developer, the cancellation of each of your titles into one parcel of land, and the payout to each owner, their share of the proceeds after any charges on their property.

The resolution that the owners will vote on and the sequencing of the events is the most critical part of the transaction. You can easily expect a resolution that is many pages in length because the resolution

must include all of the terms and conditions of the contracts, agreements, court applications, liquidation procedures and transfer of funds. One quirk of the liquidation process is owners who require their proceeds to make another purchase will have to wait until the job of the liquidator is complete before they can shop for a new home. Only when the liquidation process is complete do the owners receive their money, once any such as mortgages on their property are cleared. To provide

time for owners to move and relocate, the strata may want to negotiate 60-120 days of occupancy after the completion of the liquidation, as part of the contract.

If everything goes well, plan on 12-18 months. The success depends on a number of information meetings and constant communication with your owners to prepare them for the vote and the emotional liquidation of their community. If you hope to have any

success on your proposed liquidation, don't forget the owners have to find a new place to live once the deal is complete. Before you vote, an information meeting with the owners to help them understand what other property is available in the region is just as critical. ●

Tony Gioventu is the Executive Director of CHOA. For more information please visit the CHOA website at www.choa.bc.ca

Strata Corporation Liquidation: Step-by-Step

Step 1	<ul style="list-style-type: none"> ● The strata corporation is approached by a commercial agent, buyer or the strata council considers the option of investigating liquidation. 	Month 1	Step 4 Con't	<ul style="list-style-type: none"> ● Strata Council convenes a general meeting to present the offer(s) to owners. ● Owners vote to: <ul style="list-style-type: none"> ○ Proceed with having a lawyer draft the liquidation resolution and approve the funding needed to move forward (lawyer fees, liquidator fees, etc.), or ○ Reject the offer and direct council to either continue to negotiate a better offer or stop all discussions on liquidation. 	Month 4 – 8 Con't
Step 2	<ul style="list-style-type: none"> ● The strata corporation is approached by a commercial agent, buyer or the strata council considers the option of investigating liquidation. ● Strata council convenes an information meeting of owners to raise the idea of liquidating the strata corporation. 	Month 2 – 3	Step 5	<ul style="list-style-type: none"> ● Continue to negotiate (if required) ● The strata corporations' lawyer will review the terms and conditions of the offer, including possible counter offers. Once there is a final offer the strata's lawyer will draft a resolution for owners to approve. ● Strata council calls a general meeting to vote on the 80% resolution. 	Month 8 – 10
Step 3	<ul style="list-style-type: none"> ● This meeting helps council decide to move forward or not. ● Strata council convenes a general meeting of the strata corporation to obtain: <ul style="list-style-type: none"> ○ Authorization for strata council to investigate liquidation options ○ Approval for funding for legal representation including: <ul style="list-style-type: none"> ● Reviewing terms and conditions of an offer ● Listing agreements, and ● Subsequent legal consultation 	Month 4 – 5	Step 6	<ul style="list-style-type: none"> ● Once the resolution is approved the strata corporations' lawyer will commence the court application for liquidation. ● There may be conditions to meet before the appointment of a liquidator and vesting order granted/obtained/applied for? 	Month 10 – 12
Step 4	<ul style="list-style-type: none"> ● Strata council negotiates a listing agreement with a broker. ● The broker creates a listing profile and markets property. ● The broker presents offers to council. ● Strata council with the strata's lawyer review offers and possibly makes counter offers. 	Month 4 – 8	Step 7	<ul style="list-style-type: none"> ● Liquidation process complete ● Funds transferred to strata corporation ● Vesting order is filed by the liquidator ● Owners given 60 – 120 days to move 	Month 12 – 18

Chair and Board, Squamish Lillooet Reg. Dist.
Jordan Study, MLA, West Van Sea to Sky
Pamela Goldsmith-Jones, MP Sunshine Coast-Sea to Sky

June 12, 2018

Re: CN Rail and Trail Access in Pemberton

I have spoken with you all about the problem that we have had with CN Rail not working with "us" to find a way for the public to safely use the RR Bridge Crossing of the Lillooet River just outside of Pemberton. While they seem to have stopped fining people (to my knowledge at least) for the last 2 or 3 years or so and have not reblocked the trail accesses to and off the tracks for quite a while...they are now "back in business" and this time, they have uprooted trees (some of which shouldn't have been done as they are right on the river bank) twice in the last couple of weeks using them to block the trails. Yes, they have been doing a lot of replacing of the wooden rail ties recently and I suspect that they may have seen some possibly unsafe use by Mt. Bikers as well as dog walkers during that time...we know we have seen some ourselves. I have very much felt that signage is required regarding safe use of the crossing. (the attached walkway was built by B.C. Rail in 2000 or 2001 but CN feels its only for their employees and blocked it with boulders)

In the past, I submitted pictures (to some of you) of a CN Bridge crossing for public use up in Telkwa that was engineered by CN and paid for by their Reg. Dist sometime in the early 1990's I think it was...we were told that CN doesn't do that anymore...hmm...I have included here ^{some} ~~one~~ of many old (2006?) e-mails I still have that we exchanged with a CN Rep. who was to visit here to check things out but the visit in the end was cancelled...I think at this end unfortunately! But I think its time we gave it another try...

Mt. Bikers are not going to quit using this crossing...they may ride their bikes all the way down the tracks from town (and indeed some do currently and on down the tracks) if they can't access the Bridge easily and they surely will not ride out to the Highway Bridge to access the "Happy Trail" which takes them up to where they want to go. (there are only about 4 trains in 24 hours here...much safer than the Highway. (oh, yeah, the Highway 99 Trail is still planned but still much longer to get over there)...You may have noticed in this year's Pemberton Visitor Booklet that it only takes 5 minutes from the Bike Co. to access those Mt. Bike trails...hmmm...maybe if they could cross the Urdal/Fraser Road Connector and then a bridge from the Clover Rd. extension?? (it shouldn't be built for horses or motorized vehicles either)...Hmmm..

While I know how difficult it is to speak with CN, perhaps our Federal Transportation Minister could take it on to start with...its not like Pemberton is the only place in Canada that has a problem with public use of RR Tracks leading to desired places... but locally, I sure would like to see some signage to indicate that while it is known to be illegal to cross...do so only when safe....there are lots of kids on bikes going there too.

Thanks for taking the time to read through this and hopefully my letter will engender some discussion.

Janet Naylor,

Pemberton

cc Village of Pemberton.
includes 3 old e-mails 2006, 2009, 2012

Hugh & Jan Naylor

From: Mitchell, Ron [MITCHRE@tc.gc.ca]
Sent: Wednesday, March 8, 2006 5:28 PM
To: Jan & Hugh Naylor
Cc: jsturdy@pemberton.ca
Subject: RE: CN concerns re trails & crossings

I got a call from Mayor Sturdy last night, indicating that there was going to be a meeting today, not Thursday. He indicates that the matter is progressing nicely and that there really didn't seem to be a need for me to attend right now.. which is great because my schedule is ripping apart at the seams anyway. Please keep me posted on developments.

-----Original Message-----

From: Jan & Hugh Naylor
Sent: Monday, February 20, 2006 9:27 AM
To: Mitchell, Ron
Cc: Office Of Chuck Strahl MP- Len Wright
Subject: CN concerns re trails & crossings

see next page -- we forwarded

Mr. Mitchell - WE thank you for your quick response to our email of Jan 24 and apologise for the delay in getting back to you. The Pemberton Valley Trails association has set up a meeting with CN to take place in Pemberton on Mar. 9 to discuss the possibility of trails and pedestrian crossings within the CN r/w. The PVTA feels that it would be a huge benefit for you to be at that meeting. Perhaps you have already been notified but in case you have not the agenda details would be available from Jordan Sturdy jsturdy@pemberton.ca. To answer your specific questions, there would be one pedestrian crossing and a bridge walkway required at locations where excellent line - of - sight considerations exist. Both the crossings and the r/w [100m.] trail would have to be legitimised by a legal agreement, however this would fall under the mandate of the regional district's trails mandate as outlined in the amendment bylaw 734. The request discussed here and outlined in our [Naylor's] email of Jan. 24 should be seen in the context of a broader trail r/w issue which would be on the March 9 meeting. The PVTA is a responsible volunteer registered non-profit group whose concerns whose objectives are contingent on safety and respect for private property. I am sending you a map which should help in your preparation for an onsite examination. This will come under separate cover. Again we thank you for your attention and look forward to further discussions. Hugh Naylor

Hugh & Jan Naylor

From: Jan & Hugh Naylor [REDACTED]
Sent: Wednesday, January 21, 2009 8:05 PM
To: Gordon McKeever (see See to Sky Trail)
Subject: Fw: Your CNR concerns

Gordon, Finally found this. So here is Ron Mitchel's first e-mail response. We never did meet with him. Jan
 ----- Original Message -----

From: Office Of Chuck Strahl MP- Len Wright

To: [REDACTED]

Sent: Tuesday, January 24, 2006 2:44 PM

Subject: RE: Your CNR concerns

* note: nothing happened for 3 yrs.

Hello Mr. and Mrs. Naylor,

Thank you for sharing your concerns regarding the Pemberton trails and the community's relationship with CNR. I have been in contact with a Mr. Ron Mitchell from Transport Canada and have finally received a response as regards to your concern. Mr. Mitchell would be interested in coming together for a meeting between all parties to discuss this issue further. He has asked me to forward his contact information to you so that you can contact him directly. I have also copied his response email to me, below for your further information.

Please keep our office advised as to the outcome of this meeting. I hope that this information can assist all parties in coming together to find resolve in this community issue.

Have a great day.

Len Wright
 Constituency Assistant to
 Chuck Strahl, MP
 Chilliwack-Fraser Canyon

Mr. Mitchell's (Transport Canada) email response:

In response to Mr. and Mrs. Naylor's email.

The short answer is yes - We can help. However, I must first say that your constituents must not think of railway property as "public". It is very private property that houses an operating business that is very unforgiving to anyone that makes a mistake in judgment.

Having said that, I have no problem with safe and legal access, and will work with all to that end. I have copied Al Erickson who is the CN contact in Edmonton as well as the local CN Police with this reply. I am suggesting to all that we convene a meeting in the next month or so to discuss what is requested here. Prior to any meeting I would like to establish the following:

- Are there any crossings of the railway tracks? If so they would have to be legitimized by private agreement or legal access agreement with the local municipality. They would also require safety assessments. (refer proposed standard RTD-10). The best place to view our standards and regulations is at railwaycrossingsbc.gc.ca
- You mention the use of a walkway on a bridge. There are other locations in this province where a public walkway is affixed to a railway bridge. Telkwa (on CN) comes to mind. Again there would have to be agreements in place for usage.
- The trail along the railway right-of-way would also require some sort of agreement for use.

Village of Pemberton
 Regular Council Meeting No. 1473
 Tuesday, June 26, 2018

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I would like as much information as possible prior to arranging a meeting, so perhaps it would be best if you put your constituent in direct contact with me. My contact information follows:

Ron Mitchell, P.Eng.

Manager, Railway Safety Engineering

Pacific Region

Hugh & Jan Naylor

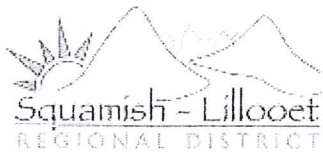
From: Peter Duhault [PDuhault@slrd.bc.ca]
Sent: Thursday, May 24, 2012 10:53 AM
To: Hugh & Jan Naylor; Allison Macdonald
Subject: Re: Fwd: CN Rail Destruction of trail access in Pemberton!

Communicate the issue to stakeholders, fix and repair for safe use Other municipalities do not appear to have the same issues as we are having.

Peter
Sent by my mobile device.
Peter

From: Hugh & Jan Naylor <hjnaylor@telus.net>
Date: Thu, 24 May 2012 10:26:19 -0700
To: 'Allison Macdonald' <AMacdonald@slrd.bc.ca>
Cc: 'Peter Duhault' <PDuhault@slrd.bc.ca>
Subject: FW: Fwd: CN Rail Destruction of trail access in Pemberton!

Hi Allison, did anyone forward this to you yet? Jan



Peter Duhault
Recreation Services Manager
pduhault@slrd.bc.ca
P: 604-894-2340
F: 604-894-2320
C: 604-698-6944
1-800-298-7753
www.slrd.bc.ca

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From: Hillary Downing [REDACTED]
Sent: May-24-12 10:17 AM
To: [REDACTED]
Subject: Fw: Fwd: CN Rail Destruction of trail access in Pemberton!

→ *now its another 3 yrs (from 2009)*

Hi Michele. Thanks for writing this letter. I wasn't aware that the trail access had been destroyed again. I've been involved with PVRTA for several years and despite our efforts we haven't had a constructive discussion with CN about possible solutions. I wonder if you've forwarded your letter to the regional district. The railroad bridge and adjoining lands are in the SLRD not the village. It might help if you sent an email addressed to Susie Gimse (Area C director) at info@slrd.bc.ca as well as the village.

In early spring we were counting nearly 500 people a day crossing that bridge. Since there is no other way to

access the trails and beautiful Riverside Park they won't be able to stop people from crossing the bridge even with ticketing and barricades. Local politicians seem to be hearing our pleas for a legal crossing and I think we're getting close to having a pedestrian bridge somewhere across the Lillooet but it will be very expensive. If CN is really concerned about trespassers why don't they become part of the solution (\$\$\$\$). Letters like yours could really help.

Thanks,
Hillary

From: [REDACTED]
Sent: Thursday, May 24, 2012 7:30 AM
To: [Wiltse Annette](#)
Subject: Fwd: CN Rail Destruction of trail access in Pemberton!

Please take a few moments to read this

Subject: CN Rail Destruction of trail access in Pemberton!

Hello friends,

Below is an email I wrote to Mayor and Council this afternoon after going for a leisurely bike ride and finding that CN rail had destroyed the access to Bathtub and adjacent mtn bike trails and the train bridge that accesses it. It will be very hard to take our kids there now (unless we want to bike all the way out to the Plateau to get there). I could barely carry my bike up and over what they'd done. The Bike Co. told me the Trails Association has done everything to try to get CN to cooperate on a solution but they are stonewalled every time.

If this disappoints you as much as it did me, please go online to the Village website and email them.

As I stated below, I have contacted the Question and they are interested. I am waiting to hear if they will report on it. Please feel free to contact them as well if you wish to comment.

Also – PASS this around. I bcc'd to whoever I had an address for – the more that hear about it the better!!

(And of course, if you don't agree, sorry to have bothered you!)

Thanks!

Michele Garrett-Jones

Message: To Mayor and Council,

Today or yesterday, CN Rail dug up the entrances & exits to access the train bridge that leads to the majority of Pemberton's Mtn Bike trails (accessing "Bath Tub" trail and access off of Urdal Rd). They made them quite impassible, especially for families and kids. I understand it's their property and considered "trespassing" to use the bridge. However, I find this "fix" to be highly unnecessary and vindictive. These trails are favourites of locals and tourists, and especially popular for local kids & families. To my knowledge, there has never been an accident involving a cyclist on this bridge. It has a protected walkway. What CN is now forcing people to do, is access the tracks closer to town and ride them all the way

to the far end of the trails - NOT a very safe situation, to say the least. Tourists have been coming to Pemberton for weeks now, enjoying the trails and our weather (there are many cars parked along Urdal Rd on any weekend day). I feel this is a hit to our tourism in Pemberton and a disappointment for our residents. I have contacted the Whistler Question regarding this matter and would appreciate your support. The Trails Association has been trying to negotiate with CN for years over this with no luck (or even consideration). Perhaps they would listen to you?

Sincerely,
Michele Garrett-Jones
Pemberton Resident

JUN 15 2018

Village of Pemberton
Village of Pemberton



June 12, 2018

1116037

His Worship Mike Richman
Mayor of the Village of Pemberton
7400 Prospect St
PO Box 100
Pemberton BC V0N 2L0

Dear Mayor Richman:

Please accept my apology for a clerical error that occurred in the letter that you would have received about the BC Farmers' Market Nutrition Coupon Program sent on May 14, 2018.

The opening paragraph of the letter incorrectly identified your community and read "Thank you for your letter acknowledging the positive results of the BC Farmers' Market Nutrition Coupon Program in Salmon Arm in 2017." This error is being corrected and a new letter will be sent to you.

Yours sincerely,

Matt Herman
Executive Lead

pc: Honourable Lana Popham, Minister of Agriculture
Ms. Wylie Bystedt, President, BC Association of Farmers' Markets



RECEIVED
JUN 15 2018
Village of Pemberton

JUN 13 2018

1109075

His Worship Mike Richman
Mayor of the Village of Pemberton
7400 Prospect St
PO Box 100
Pemberton BC V0N 2L0

Dear Mayor Richman:

Thank you for your letter of February 23, 2018, acknowledging the positive results of the British Columbia Farmers' Market Nutrition Coupon Program in Pemberton in 2017. Simply put, I could not agree with you more about the benefits of the Farmers' Market Nutrition Coupon Program.

On that note, our government is not only continuing to support the program, but also expanding it. Specifically, we are increasing its budget by three quarters of a million dollars to fund the first increase to the coupon's value since its inception, and to increase the number of participants.

As a result, the total amount of the BC Farmers' Market Nutrition Coupon will increase by nearly a hundred dollars, from \$240 per participant household to \$336, provided in weekly coupons for four months. By March 2020, the number of expectant mothers participating in the program will also increase by 450, and the number of participating households is expected to rise from 3708 to 4,158.

The Honourable Lana Popham, Minister of Agriculture, and myself are thrilled to increase the program's positive impact on families and local food producers and promote our agriculture sector. We know that this additional investment will pay off in dividends in terms of promoting population health, food security and the local economy.

This decision reflects both our long time commitment to this program, and strong support for this program articulated by municipalities, farmers markets, participants and community partners across the province.

Yours sincerely

A handwritten signature in black ink, appearing to read "Adrian Dix", written over a horizontal line.

Adrian Dix
Minister

pc: Honourable Lana Popham, Minister of Agriculture
Ms. Wylie Bystedt, President, BC Association of Farmers' Markets

OPEN QUESTION PERIOD POLICY

THAT the following guidelines for the Open Question Period held at the conclusion of the Regular Council Meetings:

- 1) The Open Question Period will commence after the adjournment of the Regular Council Meeting;
- 2) A maximum of 15 minutes for the questions from the Press and Public will be permitted, subject to curtailment at the discretion of the Chair if other business necessitates;
- 3) Only questions directly related to business discussed during the Council Meeting are allowed;
- 4) Questions may be asked of any Council Member;
- 5) Questions must be truly questions and not statements of opinions or policy by the questioner;
- 6) Not more than two (2) separate subjects per questioner will be allowed;
- 7) Questions from each member of the attending Press will be allowed preference prior to proceeding to the public;
- 8) The Chair will recognize the questioner and will direct questions to the Councillor whom he/she feels is best able to reply;
- 9) More than one Councillor may reply if he/she feels there is something to contribute.

*Approved by Council at Meeting No. 920
Held November 2, 1999*

*Amended by Council at Meeting No. 1405
Held September 15, 2015*