

**CORPORATION OF THE CITY OF COURTENAY  
COUNCIL MEETING AGENDA**

**DATE:** Monday, April 8, 2013  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**1.00 ADOPTION OF MINUTES**

1. Adopt April 2, 2013 Council meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

- 1 1. Det Kunz – Sale of City property located at 865, 877 and 899 Cliffe Avenue

**4.00 COMMITTEE/STAFF REPORTS**

**(a) Operational Services**

- 3 1. Temporary Road Closure – Market Day
- 9 2. Temporary Road Closure – Elevate the Arts
- 15 3. Covenant – Arden Projects Ltd.

**(c) Financial Services**

- 29 4. Permissive Exemptions from Property Taxation Policy

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**6.00 REPORTS FROM COUNCIL REPRESENTATIVES**

**7.00 RESOLUTIONS OF COUNCIL**

**8.00 UNFINISHED BUSINESS**

**9.00 NOTICE OF MOTION**

**10.00 NEW BUSINESS**

**11.00 BYLAWS**

**For Final Adoption**

- 45 1. “Development Cost Charge Reserve Fund Expenditure Bylaw No. 2750, 2013”
- 47 2. “Reserve Fund Expenditures Bylaw No. 2751, 2013”

**12.00 COUNCIL MEMBER ROUND TABLE**

**13.00 ADJOURNMENT**

DELEGATION APRIL 8 / 2013

**Ward, John**

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**Subject:** FW: Property

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**From:** Sally K  
**Sent:** April-04-13 8:12 AM  
**To:** Ward, John  
**Subject:** Re: Property

Hi John:

Dear Courtenay Council Members:

I request permission to address City Council at the next meeting to allow me to address possible alternatives for the proposed sale of the vacant land next to our building at 841 Cliffe St., which would include a parking solution and thereby help that area with its parking problem. My submission would be quite short.

Many thanks

Det Kunz



# THE CORPORATION OF THE CITY OF COURTENAY

## REPORT TO COUNCIL

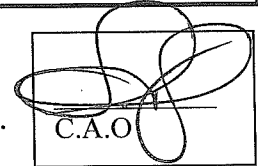
**FROM:** Kevin Lagan, P.Eng  
Director of Operational Services

**FILE #:** 5460-08  
**DATE:** April 2, 2013

**SUBJECT:** Request from the DCBIA for a Temporary Road Closure to hold Market Day 2013

### C.A.O. COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Operational Services be accepted.



C.A.O.

### RECOMMENDATION:

That Council approve the temporary closure of Fifth Street between Cliffe Ave. and Fitzgerald Ave., England Ave from 5<sup>th</sup> to 6<sup>th</sup> St. and Duncan Ave. from the lanes on the north and south sides of Fifth Street from 7:00 a.m. to 7:30 p.m. Saturday, July 20<sup>th</sup>, 2013;

That Public Works empty the garbage cans prior to and following the event as well as provide street cleaning after the event is over;

That four parking spaces in the civic parking lot at 4<sup>th</sup> and Duncan be set aside for portable toilets and;

That the necessary insurance is provided and the emergency services be advised of the event at least five working days in advance.

### PURPOSE:

To approve the temporary closure of downtown streets for the 2013 Market Day being held Saturday, July 20<sup>th</sup>, 2013.

### BACKGROUND:

As described in the attached letter received March 20, 2013 from the DCBIA.

### DISCUSSION:

This is an annual event organized by the DCBIA.

### FINANCIAL IMPLICATIONS:

All costs can be accommodated in the General Operations Budget.

**STRATEGIC PLAN REFERENCE:**

N/A

**OCP SUSTAINABILITY REFERENCE:**

N/A

**REGIONAL GROWTH STRATEGY REFERENCE:**

N/A

Respectfully submitted,

Kevin Lagan, P.Eng.  
Director of Operational Services



Lesley Hatch, P.Eng.,  
Municipal Engineer

**DOWNTOWN  
COURTENAY**

**PRESIDENT**  
Mark Middleton  
CV Echo  
250-334-4722

**VICE-PRESIDENT**  
Deana Simkin  
Billy D's Pub & Bistro  
250-334-8811

**TREASURER**  
Keith Currie  
CV Echo  
250-334-4722

**RECORDING SECRETARY**  
Evelyn Gillespie  
Laughing Cyster Bookstore  
250-334-2511

**DIRECTORS**  
Catherine Bell  
Zocalo Café & Gallery  
250-331-0933

Jenny Deters  
Rattan Plus  
250-650-2338

Jorden Marshall  
Hot Chocolates and  
Cakebread Bakery  
250-338-8211

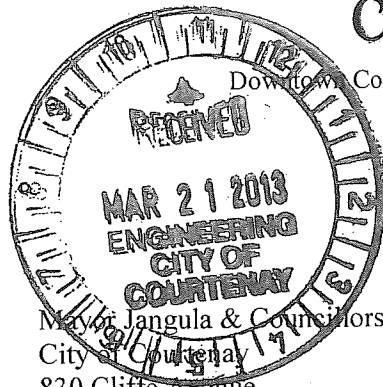
Sue Smith  
'Beyond' the Kitchen Door  
250-335-2062

Theresa Mooney  
'Beyond' the Kitchen Door  
250-338-4404

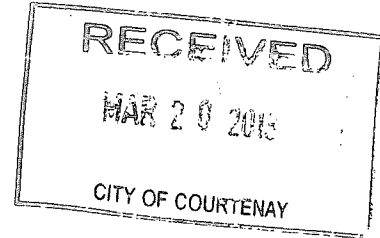
Tony McCloskey  
Red Living  
250-871-1325

**EXECUTIVE DIRECTOR**  
Kim Stubblefield  
250-337-2096  
[info@downtowncourtenay.com](mailto:info@downtowncourtenay.com)

**PLEASE NOTE NEW MAILING  
ADDRESS**  
#203 - 580 Duncan Ave.  
Courtenay, BC  
V9N 2M7



Mayor Jangula & Councillors  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7



copy to PW  
April 20, 2013

Dear Mayor Jangula and Councillors:

*RE: 43rd ANNUAL DOWNTOWN COURTENAY MARKET DAY JULY 20, 2013*

The Downtown Courtenay Business Improvement Association (DCBIA) is planning the 43rd Annual Market Day to be held Saturday July 20, 2013. In addition to Market Day, we are working closely with the Comox Valley Community Arts Council, incorporating many aspects of entertainment from the Local Colours Festival that will run concurrently with the Market Day event as it has since 2008.

At this time we ask for your approval for the closure of Fifth Street between Cliffe Avenue and Fitzgerald Avenue, as well as England Avenue and Duncan Avenue up to the alley-ways on both sides of Fifth Street, and a small section of the alleyway between England Ave. and Fitzgerald, from 7:00 am to 7:30 pm of that day.

Although we will have workers to keep the streets clean during the event, we request that Public Works will be able to empty the garbage cans prior to and following the event, as well as provide street cleaning after the event is over and delivering and removal of barricades as have been done in years previously.

We also ask you for permission to have four parking spots in the civic parking lot on the corner of 4th Street and Duncan Avenue to place portable toilets.

Please contact me at 250-337-2096 if you require further information. Thank you for your consideration regarding these matters. We hope you will all join us for this fun day in downtown Courtenay!

Sincerely yours,

Kim Stubblefield  
Executive Director, Downtown Courtenay BIA

Encs.: Application for Event Permit  
Map of requested street closures



CITY OF COURTENAY

APPLICATION FOR EVENT/PARADE PERMIT

(To be completed and returned, with insurance acceptable to the City, prior to issuance of permit and at least 7 working days prior to the event)

new mailing address

Name of Applicant (or contact person): Kim Stubblefield

Mailing Address: #203 - 580 Duncan Ave., Courtenay, BC V9N 2M7

Phone No: 250-337-2096 Fax No: Email: info@downtowncourtenay.com

Name of Event, Group etc: Downtown Courtenay BIA - Market Day/Local Colours Festival

Date(s): July 20, 2013 Time(s): 7:00 am - 7:30 pm

No. of Vehicles (if applicable) n/a No. of Participants (if applicable)

Proposed Route: (attach copy of map) Closure of Street Required? [X] Yes [ ] No

(If Yes which Streets?) See attached map. Not a parade, a street market & arts festival

If street closures are required a report must be submitted to Council for approval. Please allow adequate time for this to occur prior to the event.

Traffic Control Arrangements: (Name of Company/Group and Contact Person) (All traffic control persons to be certified)

Name: n/a Phone:

Are Signs and/or Barricades required? [X] Yes [ ] No If yes how many 30

Will any Pavement Marking Occur? [X] Yes [ ] No (If Yes give details on marking and product used etc.)

chalk marking on the sidewalk to indicate vendor spaces

Is there any electrical wiring or installations required for the event? [ ] Yes [X] No If Yes, complete and sign attached electrical permit application.

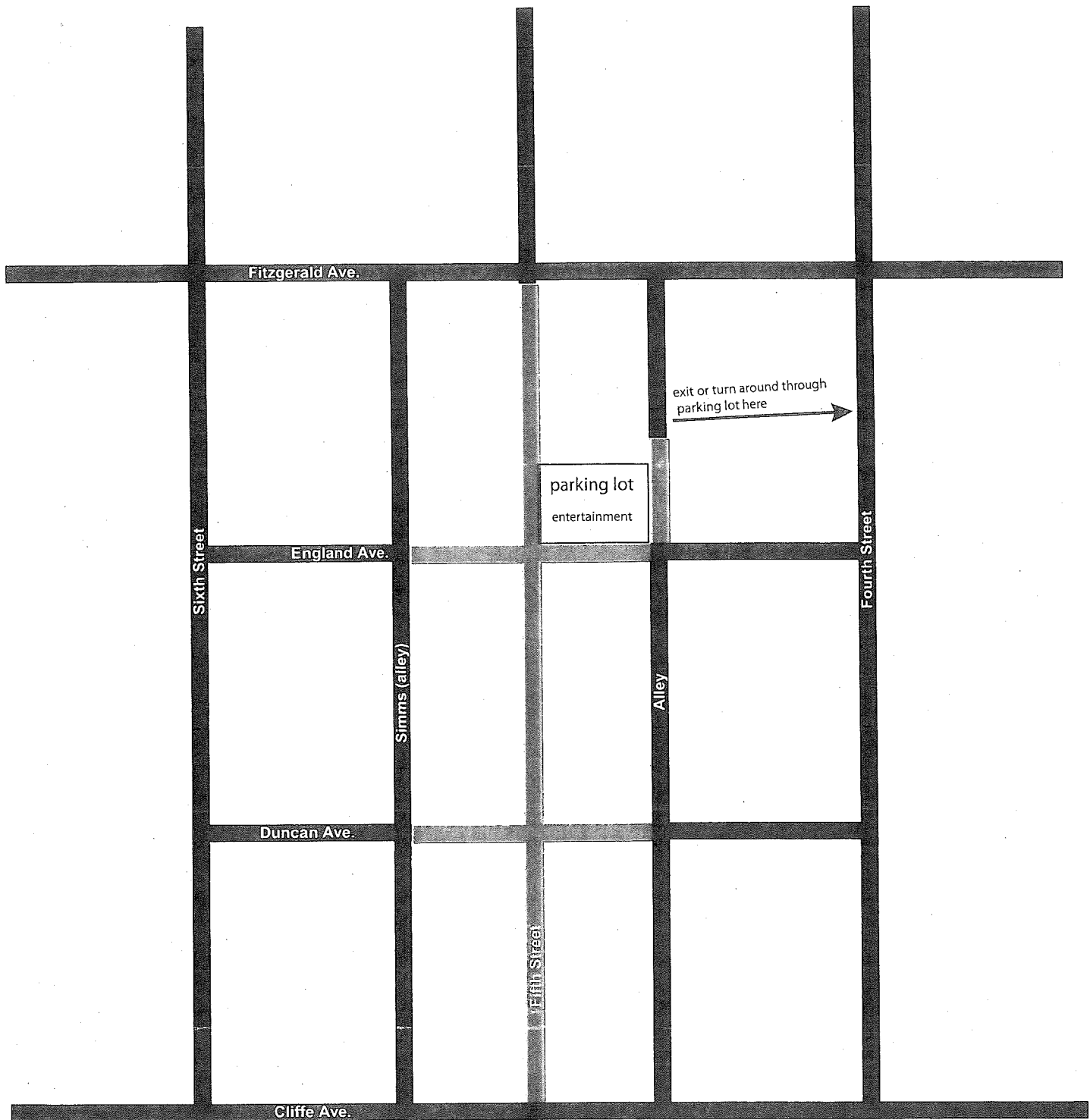
Office Use Only

- Insurance Accepted by Finance [ ] DCBIA notified [ ] Council Report [ ] Public Works Inspector Report [ ] Public Works notified [ ] Copied to Property Manager [ ]

Parade Permit letter Authorized

Parade Permit Letter issued date:





Downtown Courtenay  
 Market Day - Local Colours  
 Date: Saturday, July 20, 2013  
 Event time: 9am - 7pm  
 Road closures time: 7:30 am - 7:30pm

Streets to be closed indicated in RED (gray)



THE CORPORATION OF THE CITY OF COURTENAY

2

REPORT TO COUNCIL

FILE #: 5460-08 Elevate the Arts


FROM: Kevin Lagan, P. Eng.  
Director of Operational Services

DATE: April 2, 2013

SUBJECT: Request from the Comox Valley Community Arts Council for a Temporary Road Closure to hold the Second Annual Elevate the Arts Event

C.A.O. COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Operational Services be accepted.

  
C.A.O.  
ACTING

RECOMMENDATION:

That Council approve the temporary closure of the lanes north and south of Fifth Street between Cliffe Avenue and Duncan Avenue from 7:00 a.m. on Friday June 7 to midnight on Saturday, June 8, 2013 and Duncan Avenue from Fifth Street to Sixth Street from 6:00 p.m. on Friday, June 7 to midnight on Saturday, June 8, 2013; and

That the necessary insurance is provided and emergency services are advised of the event at least five working days in advance.

PURPOSE:

To approve the temporary closure of downtown streets for the 2013 Elevate the Arts Event

BACKGROUND:

As described in attached letter.

DISCUSSION:

This is the second annual event held by the Comox Valley Community Arts Council.

FINANCIAL IMPLICATIONS:

No direct financial implications at this time.

STRATEGIC PLAN REFERENCE:

No direct reference on this subject.

OCP SUSTAINABILITY REFERENCE:

No direct reference on this subject.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No direct reference to this subject.

Respectfully submitted,

Kevin Lagan, P. Eng.,  
Director of Operational Services



Lesley Hatch, P.Eng.,  
Municipal Engineer

## Engineering Casual

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**From:** comoxvalleyarts@gmail.com on behalf of Comox Valley Community Arts Council  
[info@comoxvalleyarts.com]  
**Sent:** March-18-13 11:03 AM  
**To:** Engineering Casual  
**Subject:** Re: Attention Dallas Stevenson

Hi Pat/Kate

The letter looks great. I have been informed that the team will not need the Cumberland Rd Courthouse location any longer.

Thank you

*Amended Council Report Attached*

On Mon, Mar 11, 2013 at 3:46 PM, Engineering Casual <[engcas@courtenay.ca](mailto:engcas@courtenay.ca)> wrote:

Dallas,

Please review the attached draft report to Council to ensure that the road closures that you required have been included. There were some differences between your email and the attached map you provided. We have included the streets noted on the map but Kevin Lagan wants to confirm this information is correct before presenting to Council.

Please let us know at your earliest convenience.

Thank You.

Pat Widdifield


For:

Kate Usher,

Engineering Dept. Clerk

**From:** [Copier@courtenay.ca](mailto:Copier@courtenay.ca) [mailto:[Copier@courtenay.ca](mailto:Copier@courtenay.ca)]  
**Sent:** March-11-13 4:30 PM  
**To:** Engineering Casual  
**Subject:** Message from KMBT\_C353

**ELEVATE  
THE  ARTS**  
WWW.ELEVATETHEARTS.COM

**JUNE 4-8 2013**  
**IN THE  OF COURTENAY**  
202-580 DUNCAN AVE, COURTENAY, BC V9N 2M7  
INFO@ELEVATETHEARTS.COM

Dear City of Courtenay Mayor, Council and Staff,

Re: Request for Support and Road Closure for Elevate the Arts

We are getting organized to produce the second season "Elevate the Arts" and write to request your support. Elevate the Arts is a four day culture crawl in the heart of Courtenay to be held June 4 to 8, 2013. Featuring visual art, craft, design, music, photography, dance, film, healing arts, kids stuff and much more – the event will be held at variety of distinct venues and complemented by dynamic, roving arts of all kinds throughout the streets, stores, parks and rooftops!

We are also writing specifically requesting permission to close the streets at several locations beginning at 6pm June 6 to midnight on June 8. The sites and times are as listed below:

Alleyway between 4th Street and 5th Street - 7am Friday June 7 to midnight Sat June 8  
Simms Street from Cliffe Avenue to Duncan - 7am Friday June 7 to midnight Sat June 8  
Cumberland Rd/Courthouse - Thursday June 6 beginning at 6pm to Sat June 8 at 6pm  
Duncan Ave between 5<sup>th</sup> and 6<sup>th</sup> - Friday June 7 from 6pm to Sat June 8 at Midnight

We have attached a map and copy of insurance policy for your convenience.

We have the support and participation from the DCBIA and its members for the event.

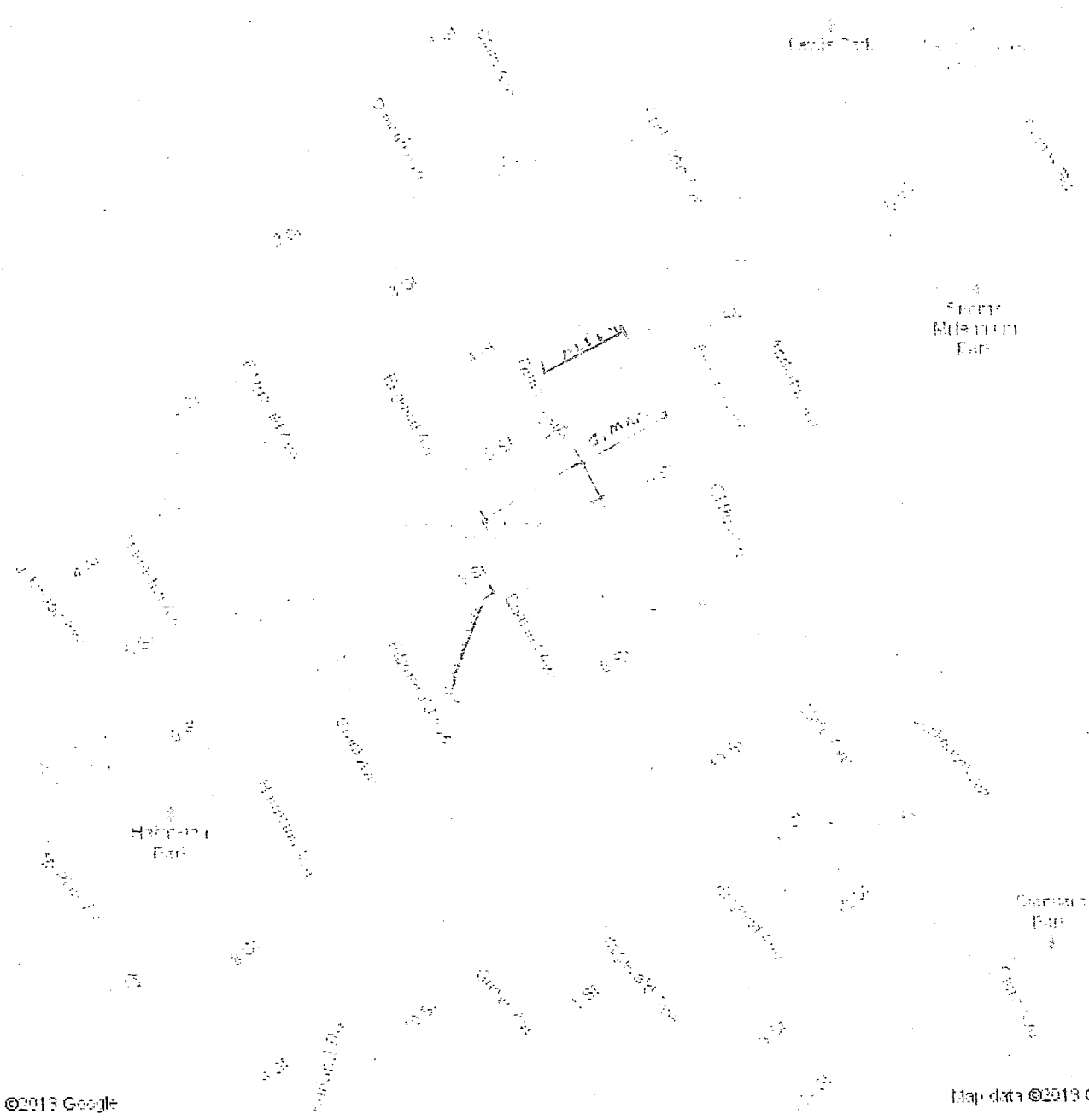
We would also like to invite your participation and recommend visiting the website for continued updates about the scheduled events [www.elevatethearts.com](http://www.elevatethearts.com)

Thank you for your consideration,

Dallas Stevenson, Executive Director  
Comox Valley Community Arts Council  
and the Elevate the Arts Team  
[info@comoxvalleyarts.org](mailto:info@comoxvalleyarts.org)  
250-334-2983

Address Courtenay, BC  
Canada

Get Google Maps on your phone  
Text the word 'GMAPS' to 466453



©2013 Google

Map data ©2013 Google





THE CORPORATION OF THE CITY OF COURTENAY

3

REPORT TO COUNCIL

FROM: Kevin Lagan,  
Director of Operational Services

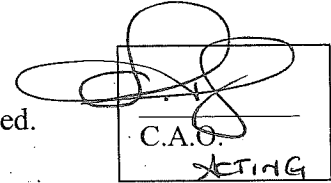
FILE: 3320-20-11638

DATE: April 4, 2013

**SUBJECT:** Land Title Act, Section 219 – No Build Covenant for Proposed Subdivision of Lot 1, Plan 40239, And Part of Lot 2, Plan 14210, Both of District Lot 138, Comox District.

**C.A.O. COMMENTS/RECOMMENDATIONS:**

That the recommendation of the Director of Operational Services be accepted.

A handwritten signature is written over a rectangular stamp. The stamp contains the text "C.A.O." and "ACTING" below it.

**RECOMMENDATION:**

That Council approve the *Section 219 – No Build Covenant* for the subdivision of Lot 1, Plan 40239 and Part of Lot 2, Plan 14210, both of District Lot 138, Comox District; and

That the Mayor and Director of Legislative Services be authorized to sign all documentation relating to this covenant.

**PURPOSE:**

This *Section 219 – No Build Covenant* reserves the Approving Officer’s ability to request Subdivision Works and Services as part of the Arden Projects Ltd. ultimate subdivision plan (see attached Schedule 1 – Proposed Subdivision Plan) in order for the proponent’s current zoning application to proceed to fourth reading.

**BACKGROUND:**

Arden Projects Ltd. is in the process of re-zoning the subject properties identified on the attached Schedule 2 – Site Plan. There are 3 properties in total that make up the lands for proposed subdivision (see attached Schedule 1). The proposed zoning amendment (to facilitate a residential subdivision) was granted 3<sup>rd</sup> reading in December 2012. Prior to bringing the bylaw forward for final consideration the applicant is required to enter into a section 219 *Land Title Act* covenant outlining conditions of the proposed zoning. However, since the proposal current includes 3 properties with 3 owners the Land Title Office will not accept the covenant for registration unless all financial implications of the covenant are proportioned to the 3 property owners. To simplify this issue, Arden Projects Ltd. is proposing to subdivide a portion of Lot 2, Plan 14210 and consolidate it with Lot 1 of Plan 40239 which they currently own. This will result in two parcels and two owners making it easier to proportion the costs.

The covenant that is currently before Council for consideration will allow the subdivision and consolidation outlined above to occur prior to completion of any necessary on-site and off-site works and services.

**DISCUSSION:**

The *Section 219 – No Build Covenant*, restricts the Owner’s ability to develop or further subdivide the lands without completing the required on-site and off-site works and services typically requested under section 938 and 939 of the Local Government Act for subdivision.

A copy of the covenant and a legal lot plan are attached.

**FINANCIAL IMPLICATIONS:**

Not applicable.

**STRATEGIC PLAN REFERENCE:**

Not applicable.

**OCP SUSTAINABILITY REFERENCE:**


Not applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not applicable.

Respectfully submitted,

Kevin Lagan, P.Eng.  
Director of Operational Services

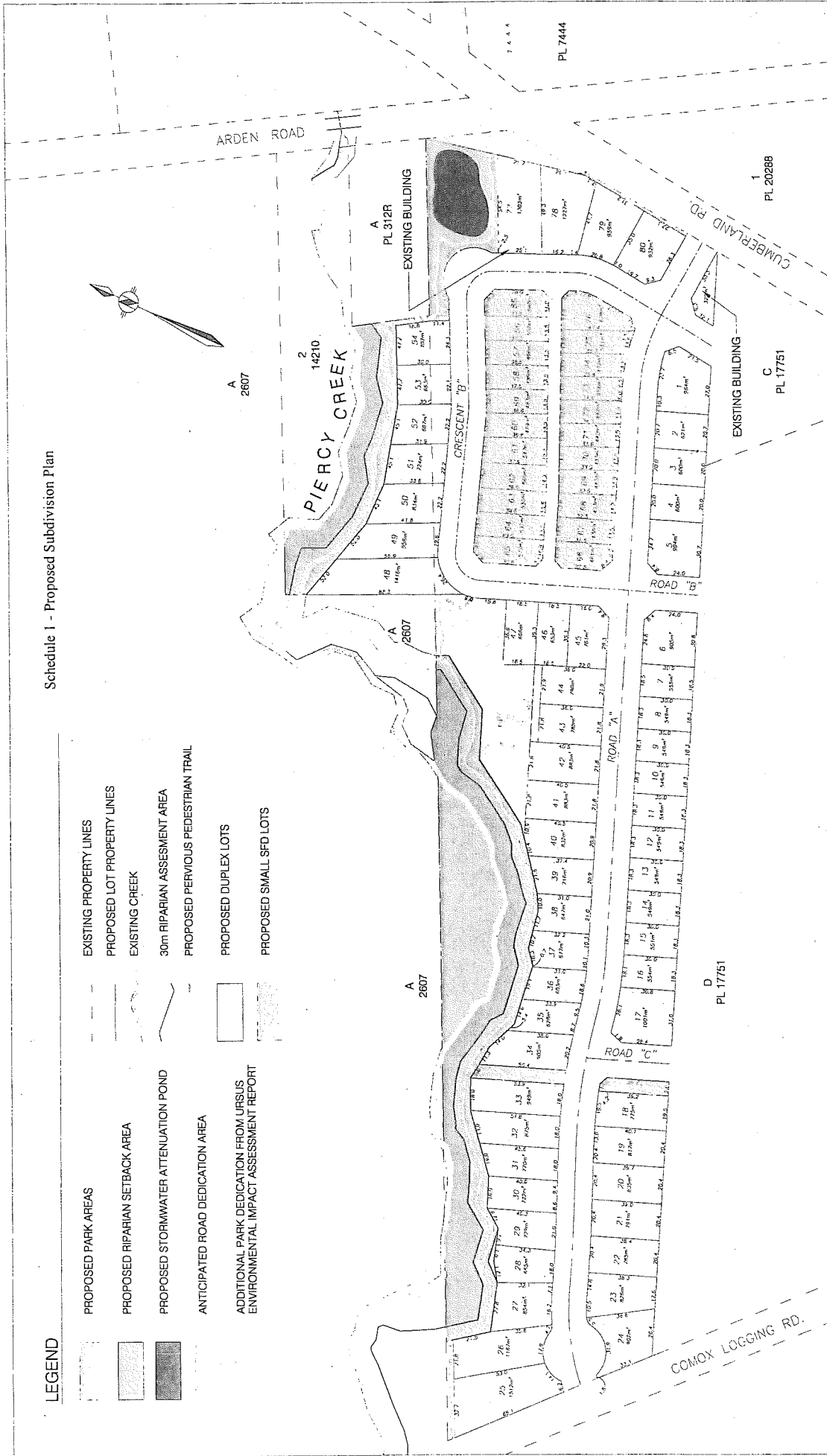
  
Lesley Hatch, P.Eng.  
Municipal Engineer

LSH/lh

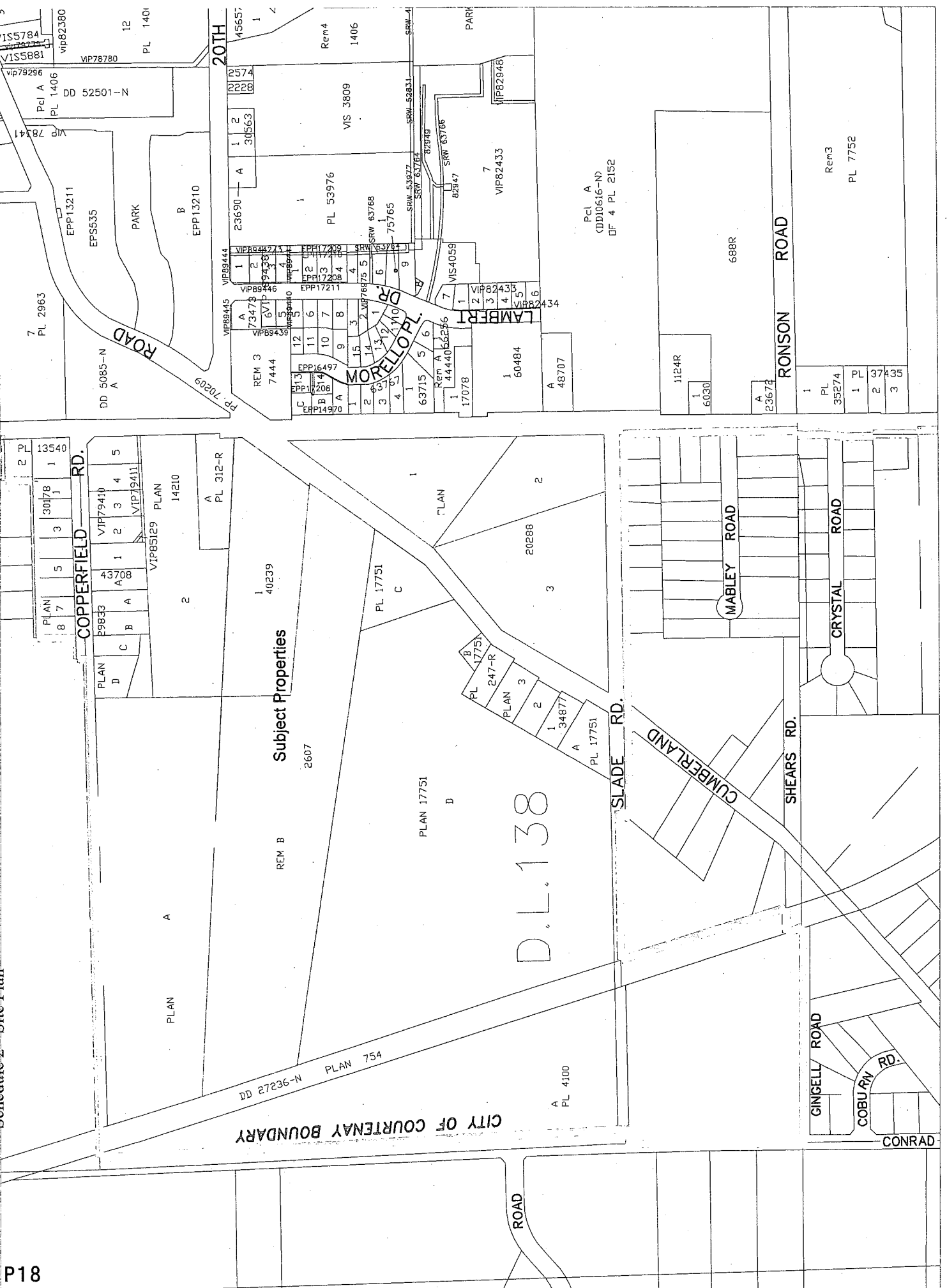
Schedule 1 - Proposed Subdivision Plan

LEGEND

- PROPOSED PARK AREAS
- PROPOSED RIPARIAN SETBACK AREA
- PROPOSED STORMWATER ATTENUATION POND
- ANTICIPATED ROAD DEDICATION AREA
- ADDITIONAL PARK DEDICATION FROM URSIUS ENVIRONMENTAL IMPACT ASSESSMENT REPORT
- EXISTING PROPERTY LINES
- PROPOSED LOT PROPERTY LINES
- EXISTING CREEK
- 30m RIPARIAN ASSESSMENT AREA
- PROPOSED PERVIOUS PEDESTRIAN TRAIL
- PROPOSED DUPLEX LOTS
- PROPOSED SMALL SFD LOTS



<p>DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]</p>	<p>DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]</p>	<p>DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]</p>	<p>DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]                  DATE: 10/20/12                  DESIGNED BY: [Name]                  CHECKED BY: [Name]</p>
<p>McElhanney                  McElhanney Consulting Services Ltd.                  48-08 STREET                  COURTHAY, B.C.                  P.O. BOX 30000                  VANCOUVER, B.C.</p>			
<p>ARLEN PROJECTS LTD.                  PRELIMINARY LOT LAYOUT                  LOT B, PLAN 2607, EXCEPT THAT PART IN PLAN 40239 &amp; LOT 1,                  PLAN 40239, BOTH OF DISTRICT LOT 138, COMOX DISTRICT                  COURTHAY, B.C.</p>			
<p>SCALE: 1:2000</p>			



**LAND TITLE ACT  
FORM C (Section 233) CHARGE  
GENERAL INSTRUMENT - PART 1 Province of British Columbia**

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Christina Reed, Barrister & Solicitor  
YOUNG ANDERSON  
1616 - 808 Nelson Street  
Vancouver

Phone: (604) 689-7400  
File: 62-264

BC V6Z 2H2

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**NO PID NMBR LOT A DISTRICT LOT 138 COMOX DISTRICT PLAN EPP28976**

STC? YES

Related Plan Number: **EPP28976**

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION

**SEE SCHEDULE**

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)  Filed Standard Charge Terms D.F. No.

(b)  Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

**SEE SCHEDULE**

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

**THE CORPORATION OF THE CITY OF COURTENAY**

**A MUNICIPAL CORPORATION INCORPORATED UNDER THE LOCAL GOVERNMENT ACT**

830 CLIFFE AVENUE

Incorporation No

COURTENAY

BRITISH COLUMBIA

n/a

V9N 2J7

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

n/a

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

\_\_\_\_\_

Execution Date		
Y	M	D

Transferor(s) Signature(s)

ARDEN PROJECTS LTD. by its authorized signatory(ies):

Name: \_\_\_\_\_

Name: \_\_\_\_\_

(as to all signatures)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT  
FORM D  
EXECUTIONS CONTINUED**

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_

Y	M	D

BROWN'S RIVER HOLDINGS LTD. by its authorized signatory(ies):

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(as to all signatures)

THE CORPORATION OF THE CITY OF COURTENAY by its authorized signatories:

\_\_\_\_\_  
Mayor: Larry Jangula

\_\_\_\_\_  
Director of Legislative Services: John Ward

(as to all signatures)

\_\_\_\_\_

\_\_\_\_\_

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT  
FORM E

SCHEDULE

NATURE OF INTEREST  
Covenant

CHARGE NO.

ADDITIONAL INFORMATION  
s.219 - No Build

NATURE OF INTEREST  
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION  
Granting s.219 Covenant herein priority over  
CA2179694

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

**LAND TITLE ACT  
FORM E**

**SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

**5. TRANSFERORS:**

ARDEN PROJECTS LTD., Inc. No. BC0914232 (as to s.219 Covenant)

BROWN'S RIVER HOLDINGS LTD., Incorporation No. BC0424767 (as to Priority)



**TERMS OF INSTRUMENT - PART 2**

**COVENANT**

(Section 219 *Land Title Act*)

THIS AGREEMENT made the 26th day of March, 2013.

BETWEEN:

ARDEN PROJECTS LTD., Inc. No. BC0914232  
c/o 4635A Madrona Place  
Courtenay, BC V9N 9E7

(hereinafter called the "Grantor")

AND:

THE CORPORATION OF THE CITY OF COURTENAY, a Municipal  
Corporation under the *Local Government Act*  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

(hereinafter called the "City")

WHEREAS:

- A. The Grantor is the registered owner in fee simple of the lands in the City of Courtenay legally described in Item 2 of Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement (the "Lands");
- B. The Grantor applied for subdivision to create the Lands on the basis that the Lands would be consolidated with an adjoining property before servicing would occur. Because the Grantor intends to further subdivide the Lands, the City has agreed not to require on-site and off-site works and services ordinarily required by ss. 938 and 939 of the *Local Government Act* in association with the deposit of Plan EPP28976 at the Land Title Office, but rather to defer them until that later subdivision occurs;
- C. Section 219 of the *Land Title Act* of British Columbia permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or specified amenity on the land;
- D. The Grantor wishes to grant and the City wishes to accept this Agreement over the Lands restricting the use and subdivision of the Lands in the manner herein provided.

THIS AGREEMENT is evidence that in consideration of payment of \$2.00 by the City to the Grantor and other and valuable consideration, the receipts of which is acknowledged by the Grantor, the Grantor covenants and agrees with the City in accordance with Section 219 of the *Land Title Act* as follows:

1. **Covenants Regarding Use and Development** – The Grantor shall not subdivide under the *Land Title Act* or under the *Strata Property Act*, any portion of the Lands, except in accordance with the following conditions and subject always to the approval of the Approving Officer for the City pursuant to the *Land Title Act*:
  - (a) the Lands must either
    - (i) be consolidated with the adjoining parcel legally described as PID: 000-067-059, Lot B, District Lot 138, Comox District, Plan 2607, except that part in Plan 40239; or
    - (ii) subdivided into residential single family dwelling and duplex lots; and
  - (b) the Grantor shall have entered into a s.219 development covenant on the City's standard terms for all on-site and off-site works and services required at the time of the subdivision of the Lands under ss. 938 and 939 of the *Local Government Act*; and

the Grantor shall not excavate, construct, build or undertake development of any kind on any part of the Lands until the above terms have been satisfied.
2. **Costs** – The Grantor shall comply with all requirements of this Agreement at its own cost and expense.
3. **No Liability in Tort** - The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
4. **Permissive Rights Only** - The rights given to the City by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the City to anyone, or obliges the City to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement, except that nothing in this section shall affect the contractual rights and obligations of the parties hereto under this Agreement.

5. **Bylaw to the Contrary** - This Agreement shall restrict use of the Lands in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the City.
6. **No Public Law Duty** - Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Grantor agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.
7. **Powers Preserved** - This Agreement does not:
  - (a) affect or limit the discretion, rights or powers of the City under any enactment (as defined in the *Interpretation Act* (British Columbia) on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Lands;
  - (b) affect or limit any enactment relating to the use or subdivision of the Lands, or
  - (c) relieve the Grantor from complying with any enactment, including in relation to the use or subdivision of the Lands, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies and charges payable under any bylaw of the City,

and the Grantor covenants and agrees to comply with all such enactments with respect to the Lands notwithstanding that the Grantor may otherwise be exempt from the application of said enactments by virtue of its status as government or pursuant to the provisions of the *Interpretation Act* or otherwise.

8. **Runs with the Lands** - Every obligation and covenant of the Grantor in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcel into which the Lands are subdivided by any means and any parcel into which the Lands are consolidated (including by removal of interior parcel boundaries) and shall be extended, at the Grantor's cost, to burden and charge any land consolidated with the Lands.
9. **Priority** – The Grantor will, at the Grantor's expense, do or cause to be done all acts reasonably necessary to register this agreement against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration at the time of application for registration of this agreement against the title to the Land.

10. **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
11. **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
12. **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
13. **Further Assurances** - The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
14. **Time** – Time is of the essence of this Agreement.
15. **Notice** - Any notice to be given pursuant to this agreement must be in writing and delivered personally or sent by registered mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this agreement and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office. If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it will be considered given 5 days after mailing. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this agreement must do so by delivery as provided in this section. A party may change its address for the purposes of this section by giving notice in accordance with this section.
16. **Interpretation** – In this Agreement section headings have been inserted for reference and convenience only and must not be used to construe or interpret the provisions hereof.
17. **The City's Representative** - Any opinion, decision, act or expression of satisfaction provided for in this Agreement is to be taken or made by the City's Director of Operational Services or his or her delegate authorized as such in writing.
18. **Execution** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties have executed this Agreement on Forms C and D to which this Agreement is attached and which form part of this Agreement.

**PRIORITY AGREEMENT**

BROWN'S RIVER HOLDINGS LTD., Incorporation No. BC0424767 (the "Chargeholder") being the holder of Charge No. CA2179694 (the "Charge"), which may be extended by a charge number unknown at the time of signing this Agreement

The Chargeholder, in consideration of the premises and the sum of One Dollar (\$1.00) now paid to the Chargeholder by the Transferee, hereby approves of and consents to the granting of the within Agreement and covenants and agrees that the same shall be binding upon its interest in or charge upon the Lands and shall be an encumbrance upon the Lands prior to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Agreement on Form D to which this Agreement is attached and which forms part of this Agreement.

END OF DOCUMENT

PLAN EPP28976

20  
 SUBDIVISION PLAN OF LOT 1,  
 PLAN 40239, AND PART OF LOT 2,  
 PLAN 14210, BOTH OF DISTRICT  
 LOT 138, COMOX DISTRICT

BCGS 92F.065

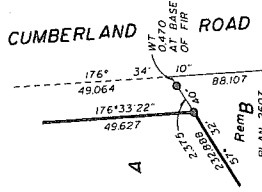
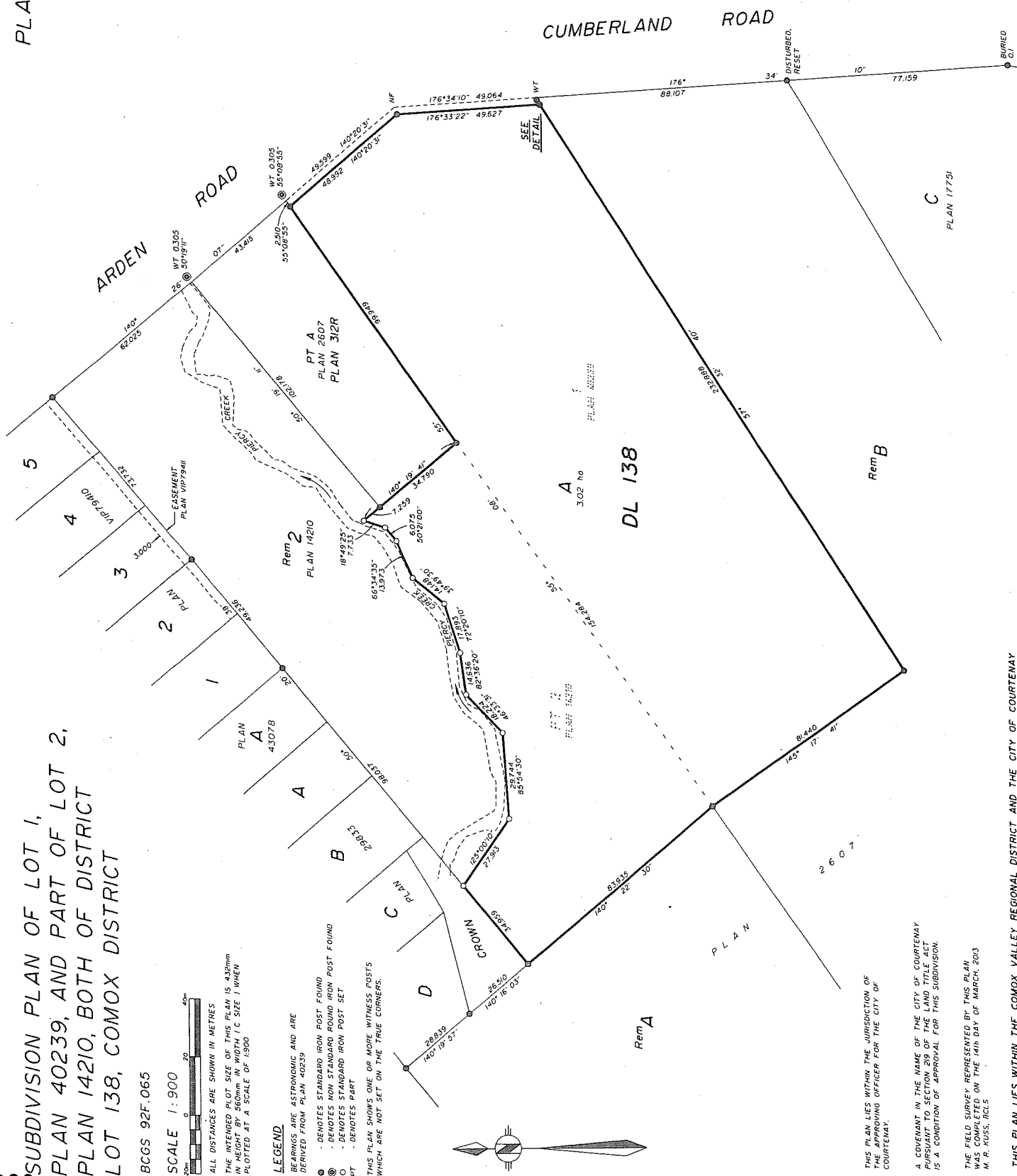
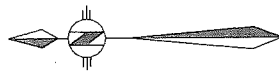
SCALE 1:900



ALL DISTANCES ARE SHOWN IN METRES  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm  
 IN HEIGHT BY 560mm IN WIDTH 1/C SIZE 1 WHEN  
 PLOTTED AT A SCALE OF 1:500

**LEGEND**

- BEARINGS ARE ASTROCHAMIC AND ARE DERIVED FROM PLAN 40239
  - - DENOTES STANDARD IRON POST FOUND
  - - DENOTES NON STANDARD ROUND IRON POST FOUND
  - - DENOTES STANDARD IRON POST SET
  - PT - DENOTES PART
- THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNERS.



**Professional Land Surveyors**  
 495 6th Street  
 Courtenay, B.C. V9N 6V4  
 Ph: 250.338.5485  
 Fax: 250.338.7700  
 E-mail: 155242@comox.bc.ca

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF COURTENAY.

A COVENANT IN THE NAME OF THE CITY OF COURTENAY PLAN 17751, SECTION 219 OF THE LAND TITLE ACT IS A CONDITION OF APPROVAL FOR THIS SUBDIVISION.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 14th DAY OF MARCH, 2003  
 M. R. ROSS, BCLS

THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT AND THE CITY OF COURTENAY

4

**THE CORPORATION OF THE CITY OF COURTENAY**

**REPORT TO COUNCIL**

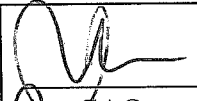
**FROM:** Director of Financial Services/Deputy CAO **FILE #:** 1960-20 [2013]

**DATE:** April 2, 2013

**SUBJECT:** 2013 Review of Permissive Exemptions from Property Taxation Policy

**CAO'S COMMENTS/RECOMMENDATIONS:**

That the recommendation of the Director of Financial Services/Deputy CAO be accepted.

  
Deputy CAO

**RECOMMENDATION:**

That Council consider the proposed revisions to the Permissive Property Tax Exemption Policy;

That Council direct staff to prepare a revised permissive tax exemption policy as per the recommendations made in this report; and

That the revised policy be in effect for the permissive tax exemption bylaw for the 2014 property taxation year.

**PURPOSE:**

To review and update the Permissive Property Tax Exemption Policy #1960.01, with the goal of supporting needed services within the community, establishing a consistent and fair application of permissive tax exemptions, and setting affordable limits to the tax burden on property owners within the City of Courtenay.

**BACKGROUND:**

Section 224 of the *Community Charter* provides council with the authority to grant permissive exemptions to land and improvements owned or held by certain other organizations that meet legislatively prescribed conditions.

In May 2006, Council adopted Policy 1960.01, Permissive Property Tax Exemption, which provides guidance for applicants as well as for Council in considering applications from Not-for-Profit organizations for exemption from property taxation. (attached for reference)

Policy 1960.01 states that, during the development of the Financial Plan, Council set aside a projected amount of revenue to be foregone in regards to permissive tax exemptions. This amount is then used to calculate the following year's tax exemption.

**DISCUSSION:**

A permissive tax exemption is a means for Council to support not-for-profit organizations (NPO's) within the community which further Council's objectives of enhancing quality of life for the citizens of the City as well as for delivering services economically. Approval of an exemption or partial exemption is entirely at Council's discretion.

Each year there is greater pressure on the City by local organizations seeking funding assistance, either by way of requests for grants, or by way of requests for exemption from property taxation. Current economic conditions create challenges for all NPO's in raising operating funds.

A complication for many considerations is the leveraged nature of the tax exemption. An exemption applies not only to the municipal portion of the property tax but all the levies collected as part of the property tax notice. Most notably this applies to the School Taxes applied to properties. As such the benefit of tax exemptions to the NPO is greater than the cost to the City's property owners.

**RECOMMENDATIONS FOR DISCUSSION:**

1. Should the City limit the tax value available for exemption?

Once an exemption has been approved, the expectation is that the exemption will be renewed annually assuming no significant changes at the NPO *and* that any municipal submission requirements continue to be met. Once an exemption has expired (the term may be for up to 10 years although more commonly the period is one year) there is no obligation on the City to renew it. However, in practice, as long as the NPO continues to meet the criteria the exemption is not likely to be withheld and the exemption effectively becomes an annual part of the NPO's operating plan.

The City currently has an annual commitment to existing tax exemptions. The down side is that each year there are new and worthwhile applications which are submitted that may be denied due to existing exemption commitments, particularly if Council chooses to limit the permitted total value of exemptions. The following table indicates the value of exemptions approved over the last three years. The 2013 amounts are estimated pending the final calculations for and adoption of the 2013 tax rates bylaw.

Year	Exemption Value- Municipal Portion Only	Tax Levy (General & Debt)	Exemptions as % of Levy	
2011	\$306,557	\$16,447,202	1.86%	
2012	323,500	17,461,629	1.85%	
2013	336,440	18,571,650	1.81%	Estimated



While exemptions are not budget items, they do reduce the overall tax base resulting in an increased tax rate for the remaining property owners.

**Staff recommend that dollar value cap of 2% be built into the policy.** That is to say that the value of the tax exemptions to all applicants for the following year total no more than 2% of the current year tax levy.

2. Should the City discourage reliance by NPO's on the tax exemption as an annual grant? Is there an equitable means of reducing support in ensuing years?

As discussed, once an NPO has been allowed an exemption, it is difficult to remove the exemption in ensuing years. NPO's become dependent on the exempt tax expense to meet their operating budget requirements. An abrupt removal of an exemption could be disastrous for NPO's which provide valuable services in our community.

Under the current system and in light of a potential limit on exemptions, it becomes increasingly difficult to approve new NPO exemption applications regardless of the worthiness of the service they propose.

**Staff recommend that a system of reductions be put in place over a period of time – that is: Exemptions be reduced over ten years by one tenth each year.**

At the end of ten years the NPO could reapply for property tax exemption. The objective is to make funds available to new applicants and to gradually reduce the reliance on the exemption by long term successful applicants. A ten year exemption bylaw with a built-in annual reduction mechanism can be processed by BC Assessment.

The City would still require an annual exemption bylaw to deal with new applications or subsequent renewals.

3. Any tax exemption is at the cost of the municipality in which the subject property is located. Is it appropriate that the taxpayers of that community should bear the entire cost of the tax exemption when the services provided are regional in nature?

Some communities have policy limiting the exemption that is available to NPO's which provide regional services. Over the past several years, the City of Courtenay has been approving 40% of new exemption requests from such organizations, but this "practice" is not formalized in the permissive exemption policy document. The 40% amount is based on an estimate of the local population distribution.

**Staff recommend that a limit of a 40% exemption for NPO's providing regional services be formally added to the exemption policy**

4. Should the City support commercial enterprises operated by NPO's through a provision of a tax exemption for this type of property use?

Certain NPO's operate commercial enterprises which assist in funding services provided by the NPO. Enterprises include day-care centres, thrift shops, pay-to-park facilities, event rentals, etc. The activities cover a broad range of services that can be in direct competition with for profit commercial ventures in our community. Often the commercial activities are critical to funding the community services. To date, Courtenay has not approved exemptions for the commercial activities of NPO's.

**Staff recommend that the portion of properties employed in for-profit commercial enterprises or activities be ineligible for exemption from property taxation.**

5. Should the City consider property tax exemptions in cases where the NPO is a "leasee" rather than the property owner?

The City has allowed some exemptions where the NPO occupies leased premises. Exemptions for properties held by (this language includes lease holdings as well as owned properties) NPO's are permitted under the charter. The concern is that the NPO may not receive the benefit of the exemption via a reduced lease or other consideration from the landlord.

**Staff recommend that, in the case of a leased property, any property tax exemption application must have documentation indicating that the benefit of the exemption is to the NPO by a lease reduction or other consideration.**

#### **FINANCIAL IMPLICATIONS:**

Increases in the dollar value of permissive tax exemptions effectively increases the tax burden for the remaining taxable properties within the City of Courtenay.

While it is recognized that Not-for-Profit organizations located in the City provide valuable services within the community, it is also important to recognize that these taxes do shift to the remaining property owners. It is therefore essential to develop a fair and sustainable strategy around property tax exemptions.

#### **STRATEGIC PLAN REFERENCE:**

Goal 2: A progressive, diverse and sustainable City

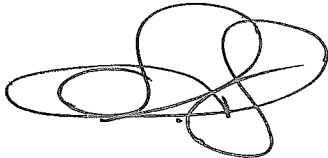
#### **OCP SUSTAINABILITY REFERENCE:**

n/a

**REGIONAL GROWTH STRATEGY REFERENCE:**

n/a

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom.

Tillie Manthey, BA, CGA  
Director of Financial Services/Deputy CAO

Attachments:           2006 Permissive Tax Exemption Policy, No. 1960.01  
                                  2012 Schedule of exemptions for 2013 Tax year

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<b>Section 5 - Finance</b>	<b>Policy #</b>	<b>1960.00.01</b>
<b>Subject: Permissive Property Tax Exemption</b>	<b>Revision #</b>	

**SCOPE:**

A permissive tax exemption is a means for Council to support not-for-profit organizations within the community which further Council's objectives of enhancing quality of life (economic, social, cultural) and delivering services economically. A permissive tax exemption is strictly at the discretion of the City of Courtenay Council. After careful consideration of all applications Council may approve a full, a partial, or no tax exemption. The tax exemption may vary for the different applicants. This policy guides identification of organizations meeting Council's objectives.

**POLICY****1. Overall Amount**

A projected amount of revenue to be foregone by Permissive Tax Exemptions will be set by Council annually during the development of the Financial Plan. This amount will be used to calculate the following year's tax exemption for approved organizations based on the current year's assessment and tax rates. The actual amount of the exemption may vary according to the following year's assessment and tax rates.

**2. Process**

Council will consider applications for permissive tax exemptions annually. The opportunity to apply will be advertised two (2) times in the local newspaper and by letters mailed to current tax exemption recipients. In addition, application packages will be available at any time from the Municipal Office or on our website at [www.courtenay.ca](http://www.courtenay.ca).

Applications must be submitted to the Director of Financial Services, using the prescribed application form, before July 31<sup>st</sup> each year. The Director will review the applications for completeness, and arrange contact with applicants for additional information as necessary.

Application submissions must include:

- Copies of audited financial statements for last three (3) years for first time applicants, and for the last year for current tax exemption recipients.
- Copy of state of title certificate or lease agreement, as applicable.
- Description of programs/services/benefits delivered from the subject lands/improvements including participant numbers, volunteer hours, benefiting groups/individuals/special needs populations, fees charged for participation
- Description of any 3<sup>rd</sup> party use of the subject land/improvements including user group names, fees charged conditions of use.

<b>Section 5 - Finance</b>	<b>Policy #</b>	<b>1960.00.01</b>
<b>Subject: Permissive Property Tax Exemption</b>	<b>Revision #</b>	

- Financial information on how the tax exemption amount is put back into the community through charitable means or reduced fees paid by the general population of the City of Courtenay.
- Confirmation that the organization’s activities do not compete with any other duly licensed business in the Municipality.

The Director of Financial Services will present a summary report of the applications, relative to the eligibility criteria, to Council and arrange for delegations to Council by applicants as necessary.

**3. Criteria**

(a) Subject Property must be one of:

- Land and/or improvements owned by the applicant
- Land and/or improvements leased under an agreement
- Land and/or improvements ancillary to a statutory exemption under s.220 of the *Community Charter (Statutory Exemptions)*

(b) Nature of Organization must be:

- Non-profit organization
- Charitable/philanthropic organization
- Athletic or Service Club/Associations
- Care facility/licensed private hospital
- Partner of the municipality by agreement under s. 225 (Partnering, heritage, riparian and other special exemption authority) of the *Community Charter*
- Other local authority
- Organization eligible under s. 220 statutory exemption (e.g. place of public worship, cemetery, library, Indian land, senior’s homes, hospital, etc.)

(c) The applicant organization’s use of the land/improvements must benefit the community in one or more of the following ways:

- Provides recreational facilities for public use
- Provides recreation programs to the public
- Provides programs to and/or facilities used by youth, seniors or other special needs groups
- Preserves heritage important to the community character
- Preserves an environmentally, ecologically significant area of the community
- Offers cultural or educational programs to the public which promote community spirit, cohesiveness and/or tolerance

<b>Section 5 - Finance</b>	<b>Policy #</b>	<b>1960.00.01</b>
<b>Subject: Permissive Property Tax Exemption</b>	<b>Revision #</b>	

- Offers services to the public in formal partnership with the municipality
- [other]

(d) All accounts for fees and charges levied by the City of Courtenay to the applicant must be current.

**4. Duration of Exemption**

Eligible organizations may be considered for tax exemptions exceeding one year (to a maximum of 10 years) where it is demonstrated that the services/benefits they offer to the community are of a duration exceeding one year (i.e. for the period of the tax exemption).

**5. Extent, Conditions, and Penalties**

(a) Council may designate only a portion of the land/improvements as exempted where the following circumstances exist:

- A portion of the land/improvements is used by the private sector and/or organizations not meeting Council’s exemption criteria
- The applicant already receives grant-in-aid from the municipality and/or other sources
- [other]

(b) Council may impose **conditions** on the exempted land/improvements with the applicant organization, including but not limited to:

- registration of a covenant restricting use of the property
- an agreement committing the organization to continue a specific service/program
- an agreement committing the organization to have field/facilities open for public use for certain times or a total amount of time
- an agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates
- an agreement committing the organization to immediately disclose any substantial increase in the organization’s revenue or anticipated revenue or any change in the status of the property
- [other]

<b>Section 5 - Finance</b>	<b>Policy #</b>	<b>1960.00.01</b>
<b>Subject: Permissive Property Tax Exemption</b>	<b>Revision #</b>	

- c) Council may impose **penalties** on an exempted organization for knowing breach of conditions of exemption, including but not limited to:
- revoking exemption with notice
  - disqualifying any future application for exemption for specific time period
  - requiring repayment of monies equal to the foregone tax revenue
  - [other]

<b>AUTHORIZATION:</b> R12/2006 4.12	<b>DATE:</b> May 1, 2006
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**City of Courtenay - Annual Permissive Exemptions**

EST 2012 PROPERTY TAXES						
Roll #	Registered Owner	Civic Address	Use of Property	City	Other Authorities	Total Levy
<b>Not-for-Profit / CVRD Offices</b>						
<b>100% Exemption</b>						
49-000	Eureka Support Society	280-4th st	community facility for adults with mental illness)	\$ 2,620	\$ 2,799	5,419
122-000	Royal Canadian Legion, Courtenay Branch (Pacific) No. 17	367 Cliffe Ave	facility to support veterans, promote remembrance, act in service of the community	6,177	7,265	13,442
1650.000	Royal Canadian Legion, Courtenay Branch (Pacific) No. 17	101 Island Highway	Cenotaph	76	109	185
163-000	Comox Valley Child Development Association	237 - 3rd St	Office to serve children with special needs	9,649	10,308	19,958
164-000	Comox Valley Child Development Association	243 - 3rd St	1/3 Child Play area, 2/3 handicap park for families visiting	525	587	1,112
165-000	Comox Valley Child Development Association	255 - 3rd St	1/3 Child Play area, 2/3 handicap park for families visiting	328	367	694
348-000	Alano Club of Courtenay	543 - 6th St	community facility assisting recovering alcoholics and addicts	2,384	2,546	4,930
513-000	Old Church Theatre Society	755 Harmston Ave	Community theatre	4,896	5,231	10,127
540-000	Comox Valley Pregnancy Care Centre	785 - 6th Street	Women's crisis pregnancy services	941	1,044	1,985
750-020	Comox Valley Recovery Centre Society	641 Menzies Ave	Residential drug/alcohol recovery facility	3,810	4,260	8,070
828-000	Boys and Girls Clubs of Central Vancouver Island	367 - 11th St	Youth program activities facility	2,315	2,473	4,788
1037-000	Comox Valley Family Services Association	1415 Cliffe Ave	Child, youth & family community and victim services	4,097	4,377	8,475



## City of Courtenay - Annual Permissive Exemptions

EST 2012 PROPERTY TAXES						
Roll #	Registered Owner	Civic Address	Use of Property	City	Other Authorities	Total Levy
1494-000	Glacier View Lodge Society	2470 Back Road	Seniors long-term care	12,533	14,014	26,547
1494-010	Glacier View Lodge Society	2470 Back Road	Seniors long-term care	12,461	13,934	26,395
1494-050	Glacier View Lodge Society	2450 Back Road	Seniors long-term care	30,856	34,502	65,358
2016-007	Richard Pizzey	1571 Burgess Rd	Leased by Stepping Stones Recovery House for Women Society	949	1,061	2,010
2200-044	Courtenay & District Historical Society In Trust	2564 Cumberland Rd	Heritage Property	1,808	2,022	3,829
3200-072	Comox Valley Curling Club	4835 Headquarters Rd	Curling Club Recreation facility	10,223	10,921	21,144
2091.190	Saltwater Education Society	2311 Rosewall Crescent	Kindergarten to Grade 2. Statutory exemption on building and footprint, permissive exemption for land surrounding bldg	369	394	763
1960.300	The Nature Trust of British Columbia	Sandpiper Drive	park	5,442	6,085	11,527
<b>75% Exemption</b>						
750-100	St. John the Divine Abbeyfield House Society	994 - 8th Street	seniors supported living housing	2,885	3,226	6,111
757.000	Comox Valley Kiwanis Village Society	1061 8th Street	housing for low-income seniors	2,086	2,332	4,418
757.001	Comox Valley Kiwanis Village Society	1051 8th Street	housing for low-income seniors	5,653	6,321	11,974
758.000	Comox Valley Kiwanis Village Society	635 Pidcock Ave	housing for low-income seniors	898	1,004	1,901

## City of Courtenay - Annual Permissive Exemptions

EST 2012 PROPERTY TAXES						
Roll #	Registered Owner	Civic Address	Use of Property	City	Other Authorities	Total Levy
1286-045	L'Arche Comox Valley	534 - 19th Street	Supported group home for adults with developmental disabilities	867	969	1,836
<b>40% Exemption</b>						
91.000	Comox Valley Transition Society (leased from 0771375 BC Ltd)	576 England Ave	occupy 23% of property	814	870	1,685
1516.004	Canadian Red Cross Society (leased from 660511 BC Ltd)	464 Puntledge Rd	occupy 100% of property	1,404	1,500	2,905
1960.006	Aaron House Ministries (Leased from Fernco Development Ltd)	2966 Kilpatrick Ave	christian worship/teaching centre - occupy 12.7% of property	1,463	1,563	3,026
3200.032	Youth for Christ Comox Valley	4729 Headquarters Rd	occupy 97.5% of property	591	661	1,252
34.000	Courtenay Elks' Lodge No. 60 of the Benevolent and Protective Order of Elks Canada Inc. No. S4640	231 6th Street	Facility to promote and support community. Raises funds for several children and community charities	1,551	1,765	3,316
1464.100	Mutsy Holdings Ltd	550 Comox Rd	CVRD Meeting Space Occupy 4617 sq ft of 8306 sq ft bldg (56%)	3,112	3,325	6,437
1465.000	Mutsy Holdings Ltd	600 Comox Rd	CVRD Office Space Occupys 100%	7,797	8,330	16,127
166.000	Comox Valley Child Development Association	267-3rd Street	parking	114	127	241

**City of Courtenay - Annual Permissive Exemptions**

EST 2012 PROPERTY TAXES						
Roll #	Registered Owner	Civic Address	Use of Property	City	Other Authorities	Total Levy
<b>12% Exemption</b>						
2024.009	Habitat for Humanity Vancouver Island North Society	1755 13th Street	office administration space only	572	611	1,183
<b>Total Not-for Profits/CVRD Exemptions</b>				<b>\$ 142,266</b>	<b>\$ 156,902</b>	<b>\$ 299,169</b>

**City of Courtenay - Annual Permissive Exemptions**

<b>EST 2012 PROPERTY TAXES</b>						
Roll #	Registered Owner	Civic Address	Use of Property	City	Other Authorities	Total Levy
143-000	Grace Baptist Church	467 - 4th Street		97	139	235
313-100	Anglican Synod Diocese of BC	591 - 5th Street		909	1,305	2214
336-000	Central Evangelical Free Church	505 Fitzgerald Avenue		275	395	670
341-000	Elim Gospel Hall	566 - 5th Street		377	542	919
342-000	Elim Gospel Hall	576 - 5th Street		230	257	486
346-000	St. Georges Churhc	505 - 6th Street		600	861	1462
618-220	River Heights Church Society	2201 Robert Lang Drive		701	1,006	1707
1074-050	Salvation Army Canada West	1580,1590 Fitzgerald Ave		321	461	782
1166-000	Lutheran Church	771 - 17th Street		607	872	1479
1211-004	Valley United Pentacostal Church of BC	1814 Fitzgerald Avenue		403	578	980
1524-102	Bishop of Victoria - Catholic Church	1599 Turner Drive		895	1,284	2179
1594-000	Kingdom Hall of Jehovah Witnesses	1581 Dingwall Road		510	732	1243
1691-030	Seventh Day Adventist Church	4660 Headquarters		335	481	816
1691-044	Anglican Synod Diocese of BC	4634 Island Hwy		324	465	789
1691-046	Anglican Synod Diocese of BC	1514 Dingwall Road		-	-	0
2005-000	LDS Church	1901 - 20th Street		1,172	1,681	2853
2017-034	Foursquare Gospel Chruch of Canada	1640 Burgess Road		4,946	7,097	12042
<b>Total Annual Church Exemptions</b>				<b>\$ 12,702</b>	<b>\$ 18,154</b>	<b>\$ 30,856</b>

**City of Courtenay - Five Year Exemption Byalw**

City owned Properties, Managed by Societies

**Exemption for 5 years 2010-2014 (expires 2014)**

EST 2012 PROPERTY TAXES						
Roll #	Registered Owner	Civic Address	Use of Property	City	Other Authorities	Total Levy
<u>100% Exemption</u>						
37-000	City of Courtenay	580 Duncan Ave	Public Arts Facility	20,999	22,433	43,432
63-000	City of Courtenay	442 Cliffe Avenue	Sid Williams Theatre	21,675	23,155	44,830
113-000	City of Courtenay	207 - 4th St	Courtenay & District Museum	16,318	17,432	33,750
1200-000	City of Courtenay	2040 Cliffe Ave	Marina	12,241	13,077	25,318
1941-000	City of Courtenay	100 - 20th St	Airpark	83,791	89,514	173,305
261-006	City of Courtenay	3rd Street	McPhee Meadows	1,581	1,768	3,350
				<u>156,605</u>	<u>167,380</u>	<u>323,985</u>

**City of Courtenay - Ten Year Exemption Bylaw**

**10 Year Bylaw - Expires 2021**

<b>EST 2012 PROPERTY TAXES</b>									
<u>Roll #</u>	<u>Registered Owner</u>	<u>Civic Address</u>	<u>Use of Property</u>	<u>City</u>	<u>Other Authorities</u>	<u>Total Levy</u>			
<b>100% Exemption</b>									
467-000	Island Corridor Foundation		railway corridor	556	495	1,051			
467-100	Island Corridor Foundation		railway corridor	118	105	224			
613-100	Island Corridor Foundation		railway corridor	98	87	185			
2154-000	Island Corridor Foundation	Cumberland Road	railway corridor	5,138	4,573	9,711			
2154-001	Island Corridor Foundation		railway corridor	1,270	1,357	2,627			
2154-003	Island Corridor Foundation		railway corridor	2,223	2,375	4,597			
2154.013	Island Corridor Foundation	Island Corridor Foundation	Railway Corridor	7	40	48			
				<b>9,410</b>	<b>9,033</b>	<b>18,443</b>			

**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2750**

**A bylaw to provide for an appropriation of funds from  
Development Cost Charge Reserve Fund Bylaw No. 2426**

WHEREAS all proceeds from development cost charges have been set aside in a Development Cost Charge Reserve Fund pursuant to Section 188 (2) of the *Community Charter*, and

WHEREAS a provision has been made under the 2012 annual financial plan for various expenditures from development cost charge reserve funds;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Development Cost Charge Reserve Fund Expenditure Bylaw No. 2750, 2013".
2. A sum of Five Hundred Fifty One Thousand, Nine Hundred Thirty Six Dollars (\$551,936.00) is hereby appropriated from the General Fund Development Cost Charge Reserve Fund, Bylaw 2426, for the purpose of applying such sum towards the cost of the following 2012 capital projects:

**HIGHWAY FACILITIES**

		Project No.	Amount
a.	DCC Project No. R0508 – Accomodation Works Tunner/Back	030-20-6-310-3120-71763	\$ 5,794.00
b.	DCC Project No. R9711 – 5 <sup>th</sup> Street Bridge Rehab Work Phase 1	030-20-6-310-3120-71772	\$ 88,025.00
c.	DCC Project No. R34 – Lerwick: McDonald to 200M West Side Design/Construct	030-20-6-310-3120-71774	\$ 2,035.00
d.	DCC Project No. R34 – Lerwick Rd – North/South of Cummings Land Purchases	030-20-6-310-3120-71776	\$ 21,673.00
e.	DCC Project No. R32 – VMP Concrete Fencing	030-20-6-310-3120-71777	\$ 21,579.00
f.	DCC Project No. R9704 – Arden Rd – Morrison Creek Crossing	030-20-6-310-3120-71782	\$ 12,545.00
g.	DCC Project No. R18/R12 & R22 – Anderton Ave Fiber Optic Duck Bank & Fire Hall/Public Works	030-20-6-310-3120-71785	\$ 44,796.00
h.	DCC Project No. R9710 & R34 – Crown Isle – Lerwick and Ryan Widening	030-20-6-310-3120-71786	\$ 237,858.00
i.	DCC Project No. R9709 – Rt Turn Decel Lane on Ryan@Cowichan	030-20-6-310-3140-87222	\$ 2,381.00

j.	DCC Project No. R29 – Back Road and Tunner Road Flashing Ped Beacons	030-20-6-310-3140-87224	\$ 3,251.00
k.	DCC Project No. R24 – Pedestrian Signals	030-20-6-310-3140-87228	\$ 14,250.00
			<hr/>
<b>Total Highway Facilities</b>			<b>\$454,187.00</b>
 <b>STORM FACILITIES</b>			
a.	DCC Project No. D6 – Storm on OIH – Ryan/Lewis Centre to Slough	030-20-6-310-3120-86787	\$ 97,749.00
			<hr/>
<b>Total Storm Facilities</b>			<b>\$ 97,749.00</b>
			<hr/>
<b>Total General Fund Development Cost Charge Reserve Funds</b>			<b>\$ 551,936.00</b>
			<hr/> <hr/>

Read a first time this 2<sup>nd</sup> day of April, 2013

Read a second time this 2<sup>nd</sup> day of April, 2013

Read a third time this day 2<sup>nd</sup> day of April, 2013

Finally passed and adopted this day of , 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2751**

**A bylaw to authorize the expenditure of money  
set aside under various Reserve Funds**

WHEREAS a provision has been made under 2012 annual financial plan for various expenditures from reserve funds pursuant to Section 189 (1) of the *Community Charter*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Reserve Fund Expenditures Bylaw No.2751, 2013."
2. Expenditure of funds set aside for financing Management Information Systems, Office Equipment, New Roads, Provincial Traffic Fine, UBCM Community Works Fund, Gaming Fund from the New Works Reserve, M & E Equipment Reserve, Sewer Utility Reserve, Sewer Machinery and Equipment Reserve, Water Machinery and Equipment Reserve, and Water Utility Reserve.

That as provided for in the 2012 budget, the following expenditures for Management Information Systems, Office Equipment, New Roads, Provincial Traffic Fine, UBCM Community Works Fund, M & E Equipment Reserve, Sewer Utility Reserve, Sewer Machinery and Equipment Reserve, Water Machinery and Equipment Reserve, and Water Utility Reserve shall be made :

<b>MANAGEMENT INFORMATION SYSTEMS</b>	<b>Project No.</b>	<b>Amount</b>
a. Anderton Ave Fiber Optic Duct Bank and Fire Hall	030-20-6-310-3120-71785	\$100,564.00
b. Class Software Upgrade	010-20-6-230-2330-80170	\$8,396.00
c. Server Replacement	010-20-6-230-2330-80185	\$ 25,717.00
d. Enterprise Resource Planning Development	010-20-6-230-2330-80192	\$ 2,887.00
e. Routers and Switch Upgrade	010-20-6-230-2330-80194	\$ 13,867.00
<b>Total Information Technology</b>		<b>\$ 151,431.00</b>

<b>OFFICE EQUIPMENT</b>	<b>Project No.</b>	<b>Amount</b>
a. Multifunction Devices (2)	010-20-6-230-2300-80005	\$ 13,475.00
<b>Total Office Equipment</b>		<b>\$ 13,475.00</b>

**NEW ROADS**

	Project No.	Amount
a. Crown Isle – Lerwick and Ryan Widening	030-20-6-310-3120-71786	\$ 69,357.00
b. Redemption of Road Deposits – developer constructed works		\$ 30,721.00
<b>Total New Roads</b>		<b>\$ 100,078.00</b>

**PROVINCIAL TRAFFIC FINE**

	Project No.	Amount
a. RCMP – Fund Two Officers and Equipment		\$ 349,942.00
<b>Total Provincial Traffic Fine</b>		<b>\$ 349,942.00</b>

**UBCM COMMUNITY WORKS FUND**

	Project No.	Amount
a. Rails to Trails – 8 <sup>th</sup> Street to 17 <sup>th</sup> Street Phase 2	030-20-6-310-3120-86782	\$ 65,000.00
b. 5 <sup>th</sup> Street Bridge Rehab Work Phase 1	030-20-6-310-3120-71772	\$ 200,000.00
c. Pedestrian Bridge Study	030-11-2-310-3120-34430	\$ 48,707.42
d. Transportation Study	030-11-2-310-3110-34433	\$ 57,130.86
<b>Total Community Works Fund</b>		<b>\$ 370,838.28</b>
<b>Total New Works Reserve Funds</b>		<b>\$985,764.28</b>

3. Expenditure of funds set aside for replacement of Machinery and Equipment Bylaw #1836:

That as provided for in the 2012 budget, the following expenditures for replacement of machinery and equipment shall be made:

	Project No.	Amount
a. Fleet - Unit 156 Dodge Ram – Roads	030-20-6-300-3000-97020	\$ 21,252.00
b. Fleet – Unit 160 2013 Dodge Cargo Minivan - Stores	030-20-6-300-3000-97020	\$ 26,226.00
c. Fleet – Unit 159 Ford Haul All Side Load Garbage Truck - Parks	070-20-6-330-0000-97031	\$ 105,688.00
d. Fleet – Unit 154 Dodge Ram Quad Cab - Parks	070-20-6-410-4110-97045	\$ 28,531.00
e. Equipment – Unit 157 Kubota Mower - Parks	070-20-6-410-4110-97047	\$ 13,375.00
f. Fleet – Unit FD19A – 2013 Chevy Tahoe - Fire	020-20-6-260-2640-97010	\$ 49,117.00
g. Equipment – MobyCAD 911 System Components - Fire	020-20-6-260-2630-80737	\$ 15,760.00
h. Fleet – Unit 155 Dodge Ram Quad Cab - Parks	070-20-6-410-4110-97046	\$ 28,022.00
<b>Total Machinery &amp; Equipment Reserve Funds</b>		<b>\$287,971.00</b>

4. Expenditure of sewer connection fees set aside to cover portion of Sewer Debt payments under Sewer Utility Bylaw #1382

That as provided for in the 2012 budget, the following expenditures for sewer debt payments shall be made:

	Project No.	Amount
a. Funding of 2012 Sewer Loan Payment		\$ 75,000.00
<b>Total Sewer Loan Payment Reserve Funds</b>		<b><u>\$ 75,000.00</u></b>

5. Expenditure of funds set aside for replacement of Sewer Machinery and Equipment Bylaw #1976:

That as provided for in the 2012 budget, the following expenditures for replacement of water machinery and equipment shall be made:

	Project No.	Amount
a. Equipment – Sewer Camera	040-80-6-350-0000-83002	<u>\$ 8,395.00</u>
<b>Total Water Machinery and Equipment Reserve Funds</b>		<b><u>\$ 8,395.00</u></b>

6. Expenditure of funds set aside for replacement of Water Machinery and Equipment Bylaw #2269:

That as provided for in the 2012 budget, the following expenditures for replacement of water machinery and equipment shall be made:

	Project No.	Amount
a. Fleet – 2012 Ford F150 – Water Crew	040-40-6-340-0000-97055	<u>\$ 25,626.00</u>
<b>Total Water Machinery and Equipment Reserve Funds</b>		<b><u>\$ 25,626.00</u></b>

7. Expenditure of CVRD Water Efficiency proceeds set aside to cover portion of expenses under Water Utility Reserve.

That as provided for in the 2012 budget, the following expenditures for water expenses shall be made:

	Project No.	Amount
a. CVRD Water Efficiency Funds - Xeriscape Project - Firehall	040-31-2-340-0000-37900	\$ 29,197.00
b. CVRD Water Project Funds – Water Enforcement	040-31-2-340-0000-37905	\$ 9,374.00
c. CVRD Water Efficiency Funds – Commercial Toilet Rebates	040-31-2-340-0000-37910	\$ 10,815.00
<b>Total Water Utility Reserve Funds</b>		<b><u>\$ 49,386.00</u></b>
<b>Total 2012 Expenditures from All Reserves</b>		<b><u>\$1,432,142.28</u></b>

Read a first time this 2<sup>nd</sup> day of April, 2013

Read a second time this 2<sup>nd</sup> day of April, 2013

Read a third time this 2<sup>nd</sup> day of April, 2013

Finally passed and adopted this    day of            , April 2013

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Mayor

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Director of Legislative Services