

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

**DATE:** September 2, 2014  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**1.00 ADOPTION OF MINUTES**

1. Adopt August 18, 2014 Regular Council meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

**4.00 STAFF REPORTS/PRESENTATIONS**

Pg #

(a) Community Services

(b) CAO and Legislative Services

1 1. Notice on Title – 1750 Willemar Avenue

7 2. Braidwood Supportive Housing Project Update - John Jessup in attendance

(c) Development Services

49 3. Downtown Land Use Viability Review

(d) Financial Services

(e) Engineering and Operations

**5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

53 1. Island Coastal Economic Trust Media Release

55 2. Green Communities Committee Climate Action Recognition

**6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES**

## **8.00 RESOLUTIONS OF COUNCIL**

### **1. In Camera Meeting**

Notice is hereby given that a Special In-Camera meeting closed to the public will be held at the conclusion of the September 2, 2014 regular Council meeting pursuant to the following sub-section of the *Community Charter*:

- 90 (1) (g) litigation or potential litigation affecting the municipality; and
- 90 (1) (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

## **9.00 UNFINISHED BUSINESS**

### **10.00 NOTICE OF MOTION**

### **11.00 NEW BUSINESS**

### **12.00 BYLAWS**

#### **For First and Second Reading**

- 59      1. “Zoning Amendment Bylaw No. 2803, 2014”  
(C-1 Zone and downtown land use regulations)

#### **For First, Second and Third Reading**

- 63      1. “Prevention of Public Nuisances Bylaw No. 2804, 2804”

### **13.00 ADJOURNMENT**

Note: there is a public hearing at 5:00 p.m. in relation to “Zoning Amendment Bylaw No. 2798” (Secondary suite 425 Back Road)



THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Notice on Title – 1750 Willemar Avenue

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**File No.:** 3800-20  
**Date:** September 2, 2014

**PURPOSE:**

The purpose of this report is to consider directing the Corporate Officer to file a notice in the Land Title Office against the property located at 1750 Willemar Avenue.

**CAO RECOMMENDATIONS:**

That based on the September 2, 2014 staff report “Notice on Title – 1750 Willemar Avenue”, Council approve OPTION 1 and pursuant to Section 57 (3) of the *Community Charter* direct the Corporate Officer to file a notice in the Land Title Office against 1750 Willemar Avenue stating that:

- (a) *a Council resolution relating to the land has been made under this section; and*
- (b) further information about it may be inspected at the offices of the municipality.*

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

As outlined in the attached memo from the Chief Building Inspector, the building on the property contains a suite constructed without a building permit.

Pursuant to section 57 of the *Community Charter*, upon request by a Building Inspector to place a notice on title, the Corporate Officer is **required** to give notice to the property owner and place the matter before Council.

**DISCUSSION:**

As per the memo from the Chief Building Inspector, staff have attempted to resolve the outstanding issues with the property owner. Placing a notice on title alerts potential future property owners of the deficiencies. The property is currently for sale.

**FINANCIAL IMPLICATIONS:**

The financial implications include the actual cost of placing the notice on title, and the staff time related to attending the property and preparing the notifications and documentation.

**ADMINISTRATIVE IMPLICATIONS:**

Although not specifically in the Development Services and Legislative Services work plans, these statutory enforcement issues are common and consume staff resources, typically 6 hours of staff time depending on the level of interaction with the property owner.

**STRATEGIC PLAN REFERENCE:**

Statutory bylaw enforcement in nature, and not specifically referenced in the Strategic Plan.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not referenced.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

Notification was provided to the property owner pursuant to section 57 (2) of the Community Charter and is attached for Council's reference.

**OPTIONS:**

- Option #1 - That Council direct the Corporate Officer to file a notice in the Land Title Office against 1750 Willemar Avenue (recommended).
- Option #2 - That Council not direct the Corporate Officer to file a notice in the Land Title Office against 1750 Willemar Avenue.
- Option #3 - That Council refer the matter back to staff to continue attempts to resolve the issues.

Prepared by:



John Ward, CMC  
Director of Legislative Services  
Corporate Officer

THE CORPORATION OF THE CITY OF COURTENAY

M E M O R A N D U M

TO: John Ward, Director of Legislative Services  
FROM: Dennis Mirabelli, Chief Building Inspector

FILE #: 3800-20  
DATE: August 7, 2014

**SUBJECT: Notice Against Title-S.57(1)(a)(i & ii) & (b)(i&ii) of the *Community Charter*  
1750 Willemar Ave – Lot 1, District Lot 104, Comox District, Plan 29856  
PID: 001-337-181**

This memorandum is to inform the Director of Legislative Services that the Building Division is requesting the City proceed with putting a Notice against Title pursuant to S.57(1)(a)(i&ii) &(b)(i & ii) of the *Community Charter*, for the property legally described as Lot 1, District Lot 104, Comox District, Plan 29856 at 1750 Willemar Avenue.

- alteration have been made to the building to create an additional residential suite
- no building permit was obtained
- an attempt to have the owner meet at the premise to address these concerns failed
- the property is currently advertised for sale

The Notice on Title would ensure that any future interest in this property would be aware that work has been carried out without proper approvals.

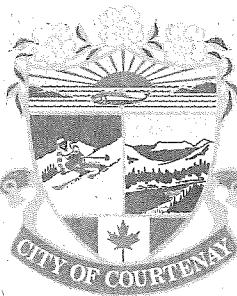
Respectfully submitted,

Dennis Mirabelli, RBO  
Chief Building Inspector

DM/jk

# THE CORPORATION OF THE CITY OF COURtenay

*Legislative Services Department  
830 Cliffe Avenue  
Courtenay, B.C.  
V9N 2J7*



*Phone (250) 334-4441  
Fax (250) 334-4241  
jward@courtenay.ca*

City File No.: 3800-20

August 11, 2014

Stanley Thomas Holmes  
3908 Island Highway RR#1  
Royston, B.C.  
V0R 1S0

**VIA REGISTERED MAIL**

**Re: Notice of Action**

Please be advised that pursuant to section 57 of the *Community Charter*, Council will be considering a recommendation relating to your property legally described as P.I.D. 001-337-181- Lot 1, District Lot 104, Comox District Plan 29856, located at 1750 Willemar Avenue, Courtenay, B.C.

The recommendation Council will be considering is as follows:

*That pursuant to Section 57 (3) of the Community Charter, the Corporate Officer file a notice in the Land Title Office against 1750 Willemar Avenue, Courtenay, B.C stating that:*

- (a) *a Council resolution relating to that land has been made under this section; and*
- (b) *further information about it may be inspected at the offices of the Municipality.*

This action is a result of an illegal dwelling located above the detached garage on the property.

Pursuant to section 57 (2) (a) of the *Community Charter* you are hereby notified of the recommendation, and advised that you have an opportunity to address Council on September 2<sup>nd</sup>, 2014 at 4:00 p.m. prior to Council considering the recommendation. Alternatively you may make a submission in writing prior to Wednesday, August 27<sup>th</sup>, 2014 at 4:00 p.m. that will be presented to Council for consideration.

Please advise the undersigned at 250.334.4441 prior to Wednesday, August 27<sup>th</sup>, 2014 at 4:00 p.m. if you wish to make a submission to Council.

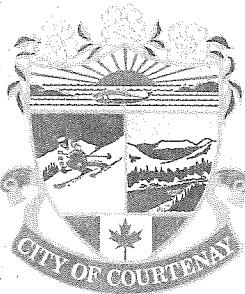
Yours truly,

John Ward, CMC  
Director of Legislative Services  
Corporate Officer

Pc: D. Mirabelli, Chief Building Inspector

# THE CORPORATION OF THE CITY OF COURtenay

**Legislative Services Department**  
830 Cliffe Avenue  
Courtenay, B.C.  
V9N 2J7



Phone (250) 334-4441  
Fax (250) 334-4241  
[jward@courtenay.ca](mailto:jward@courtenay.ca)

City File No.: 3800-20

August 11, 2014

Stanley Thomas Holmes  
2074 Cooke Avenue  
Comox B.C.  
V9M 1Y6

**VIA REGISTERED MAIL**

## Re: Notice of Action

Please be advised that pursuant to section 57 of the *Community Charter*, Council will be considering a recommendation relating to your property legally described as P.I.D. 001-337-181- Lot 1, District Lot 104, Comox District Plan 29856, located at 1750 Willemar Avenue, Courtenay, B.C.

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- (a) *a Council resolution relating to that land has been made under this section; and*
- (b) *further information about it may be inspected at the offices of the Municipality.*

This action is a result of alterations having been performed to the dwelling located on the property without a building permit.

Pursuant to section 57 (2) (a) of the *Community Charter* you are hereby notified of the recommendation, and advised that you have an opportunity to address Council on September 2<sup>nd</sup>, 2014 at 4:00 p.m. prior to Council considering the recommendation. Alternatively you may make a submission in writing prior to Wednesday, August 27<sup>th</sup>, 2014 at 4:00 p.m. that will be presented to Council for consideration.

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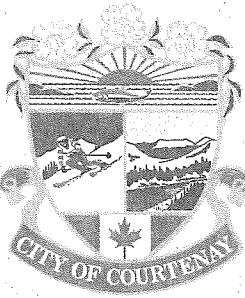
Yours truly,

John Ward, CMC  
Director of Legislative Services  
Corporate Officer

Pc: D. Mirabelli, Chief Building Inspector

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*Legislative Services Department*  
830 Cliffe Avenue  
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V9N 2J7



Phone (250) 334-4441  
Fax (250) 334-4241  
[jward@courtenay.ca](mailto:jward@courtenay.ca)

City File No.: 3800-20

August 11, 2014

Terry Kerton  
3417 Primrose Street  
Cumberland, B.C.  
V0R 1S0

VIA REGISTERED MAIL

## Re: Notice of Action

Please be advised that pursuant to section 57 of the *Community Charter*, Council will be considering a recommendation relating to your property legally described as P.I.D. 001-337-181- Lot 1, District Lot 104, Comox District Plan 29856, located at 1750 Willemar Avenue, Courtenay, B.C.

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Please advise the undersigned at 250.334.4441 prior to Wednesday, August 27<sup>th</sup>, 2014 at 4:00 p.m. if you wish to make a submission to Council.

Yours truly,

John Ward, CMC  
Director of Legislative Services  
Corporate Officer

Pc: D. Mirabelli, Chief Building Inspector



THE CORPORATION OF THE CITY OF COURtenAY  
**STAFF REPORT**

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** **Braidwood Supportive Housing Project Update**

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**File No.:** 5040-20  
**Date:** September 2, 2014

**PURPOSE:**

The primary purpose of this report is to seek direction from Council on the preparation of Terms of Reference (TOR) for a Request for Proposals (RFP) for a proposed supportive housing project at a City-owned property located at 810 Braidwood Road.

This report also outlines the proposed timeline for completion of the RFP, the review of proposals, and recommendation and selection of the desired non-profit organization or group to undertake the Braidwood Supportive Housing Project.

**POLICY ANALYSIS:**

The Braidwood Housing Project has been identified as Council's number one priority in the City's 2013 Strategic Priorities Report which is available on the City of Courtenay website at:

<http://www.courtenay.ca/city-hall/strategic-plan.aspx>

**RECOMMENDATION:**

THAT based on the September 2<sup>nd</sup> 2014 staff report "Braidwood Supportive Housing Project Update", Council DIRECT STAFF to proceed with OPTION 1, and prepare a Request for Proposal for the City property located at 810 Braidwood Road that would allow any qualified non-profit organization or group to submit a proposal for the construction and operation of a housing project that addresses a wide range of in-need and at-risk tenants; and

THAT staff investigate and report back to Council on the implications, cost and timings of proceeding with the required due diligence for the property at 810 Braidwood, including hazmat survey of existing house, phase 1 environmental site assessment, geotechnical survey to determine soil stability and capacity for new construction, and civil engineering survey to determine capacity of existing water, sanitary and storm systems serving the site.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

At its regular meeting held on May 12<sup>th</sup> 2014 Council passed a resolution that the Mayor and CAO meet with Comox Valley MLA Don McRae to discuss the Braidwood Supportive Housing Project. On May 16<sup>th</sup> two identical letters from the City of Courtenay were sent to:

- Hon. Don McRae, Comox Valley MLA, and Minister of Social Development and Social Innovation
- Hon. Rich Coleman, Minister of Natural Gas Development and Minister Responsible for Housing, and Deputy Premier

Copies of the letters are attached to this report and include earlier staff reports and background information on the proposed project.

On June 20<sup>th</sup> 2014 the Mayor and CAO met with Minister McRae at his constituency office to discuss the Braidwood Supportive Housing Project, including funding options and how best to proceed with the preparation of an RFP to move the project forward. Minister McRae encouraged the City to arrange a meeting with BC Housing staff and himself, along with the Mayor, and CAO.

On July 25<sup>th</sup> 2014 a meeting was held that included two BC Housing staff, Minister McRae, the Mayor, CAO, and the City's Social Planning Consultant on the Braidwood project, John Jessup. Draft minutes of the meeting were prepared by Mr. Jessup and are attached to this report. The main points identified in the draft minutes relate to developing a project RFP that broadens the TOR from focusing exclusively on the working poor and homeless to possibly include other in-need or at-risk tenants such as families with children and seniors.

**DISCUSSION:**

The following is based on an August 14<sup>th</sup> 2014 Report Addendum submitted by Mr. John Jessup, and is intended to further outline the basis for the recommendation to broaden the scope of proposals that can be submitted for the Braidwood housing project.

1. Should the City pursue PHI (Provincial Homelessness Initiative) operating subsidies for the Braidwood Road project?

Based on recent discussions with BC Housing staff, as it stands today there is very little chance that operating subsidies for a supported housing project for homeless people (absolute and at risk) would be made available.

Given this situation, the Social Planning Consultant recommends the City abandon this direction, and proceed immediately with the RFP for the Braidwood Road site as previously recommended.

2. If Council decides to re-engage the RFP process, how long would it take before a non-profit housing provider is chosen for the Braidwood Road site?

The Social Planning Consultant outlines the following revised schedule beginning immediately following the Labour Day holiday (Sept 2<sup>nd</sup>):

- a. Convene working group and draft the RFP (by Sept 30<sup>th</sup>);
  - b. Issue RFP during 1<sup>st</sup> week in October and provide 3 weeks for non-profit housing providers and their consultants to prepare and make their submissions (by Oct 31<sup>st</sup>);
  - c. Working group to evaluate and score submissions (by Nov 15<sup>th</sup>);
  - d. Consultant to draft Council report recommending the top 3 choices from the working group (by Nov 30<sup>th</sup>); and
  - e. Council to consider the working group's recommendations and decide on appointment of the non-profit housing provider to develop the Braidwood Road site (by Dec 15<sup>th</sup>)
3. Is there anything that the City should do in the meantime to prepare for choosing the non-profit housing provider and to anticipate development of the Braidwood Road site?

Yes. Undertake the due diligence on the Braidwood Road site recommended by the Consultant in his initial report to Council. Namely, hazmat survey of existing house, phase 1 environmental site assessment, geotechnical survey to determine soil stability and capacity for new construction, and civil engineering survey to determine capacity of existing water, sanitary and storm systems serving the site. This because it is a reasonable expectation that the City make good on any issues related to the site which emerge as a result of these investigations. The City can wait for the chosen non-profit housing provider to undertake this work. Either way, BC Housing will probably agree to cover the costs of these investigations through the remaining \$40,000 PDF. However, the City will not know the issues and any of the potential costs arising until the non-profit housing provider does this work.

As development of the Braidwood Road site will of necessity involve a new construction project, with no operating subsidies available from BC Housing in the foreseeable future, the City should expect to make the following concessions: free land for 60 years, forgiveness of DCC's and development and building permit fees, and grants in lieu of property taxes for up to the first 10 years.

Further, the chosen non-profit housing provider will be expected to explore the possibility of rent supplements for working poor and homeless people. This would raise rents from 30% of gross monthly income or the welfare shelter allowance to deemed (probably close to average) market rent. However, the challenge is in addressing the gap between economic rent (all operating costs and mortgage payments per unit) and market rent. Even with the provision of no new support workers for the project, this will be a challenge for a new construction project.

And, finally, the chosen non-profit housing provider will also be expected to pursue the possibility of capital grants to reduce the principal of the take-out mortgage at completion as much as possible. This will involve other Federal ministries as well as CMHC, and private foundations such as the Vancouver Foundation as well as local Comox Valley service clubs and foundations.

There is also always the hope that new programs now being contemplated by BC Housing will provide new rent supplements and modest capital grants, both through the application of Federal – Provincial Investment in Affordable Housing (IAH) program monies in the near future. This might happen in time for the chosen non-profit housing provider to take advantage of them in composing a sound long-term business plan for the Braidwood Road site project.

#### **FINANCIAL IMPLICATIONS:**

In July 2013, BC Housing confirmed that they made \$50,000 available to the City, in a proposal development loan, to assist in the planning and development of a supportive housing proposal for this site. A portion of the funds committed by BC Housing can be used towards the development of the RFP and the process of selection of the non-profit operator. The remainder can be used by the successful proponent in further developing the project. Additional funding options are outlined in the attached report from the Social Housing consultant.

#### **ADMINISTRATIVE IMPLICATIONS:**

The CAO is the project lead, and works directly with the consultant. Additional support is received from Development Services staff and is included in the 2014 corporate work plan. A total of 51 staff hours are estimated to be required in for 2014.

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

The Braidwood Supportive Housing Project is Council's number one strategic priority for 2014.

#### **OFFICIAL COMMUNITY PLAN REFERENCE:**

- ✓ The provision of non-profit housing as a means of increasing the supply of rental housing is strongly encouraged. Preference is for affordable and social housing to be dispersed throughout the City and not concentrated in one area.
- ✓ Ensure the provision and integration of special needs and affordable housing.
- ✓ Encourage housing opportunities and convenient community services for individuals having special housing requirements.

#### **REGIONAL GROWTH STRATEGY REFERENCE:**

- ✓ Ensure a diversity of housing options to meet evolving demographics and needs.
- ✓ Encourage residential multi-unit or multi-lot developments to contribute to affordable housing options including, but not limited to a range of unit sizes and types, lot sizes, multifamily or

attached-unit buildings, rental units and secondary suites. These contributions could take the form of land, cash, buildings or other such items as supported by the local governments.

#### **PUBLIC ENGAGEMENT:**

Two Braidwood neighbourhood Open Houses were held on April 23 and 24, 2014. Additional public engagement will depend on the nature of the selected proposal.

#### **OPTIONS:**

OPTION 1 - Council DIRECT STAFF to prepare a Request for Proposal for the City property located at 810 Braidwood Road that would allow any qualified non-profit organization or group to submit a proposal for the construction and operation of a housing project that addresses a wide range of in-need and at-risk tenants; and

THAT staff investigate and report back to Council on the implications, cost and timings of proceeding with the required due diligence for the property at 810 Braidwood, including hazmat survey of existing house, phase 1 environmental site assessment, geotechnical survey to determine soil stability and capacity for new construction, and civil engineering survey to determine capacity of existing water, sanitary and storm systems serving the site. (Recommended)

OPTION 2 - Council DIRECT STAFF to prepare a Request for Proposal for the City property located at 810 Braidwood Road that would allow any qualified non-profit organization or group to submit a proposal for the construction and operation of a housing project that addresses a wide range of in-need and at-risk tenants; and

THAT staff delay investigating the implications, cost and timings of proceeding with the required due diligence for the property at 810 Braidwood, until after a non-profit organization or group has been selected to construct and operate the Braid Supportive Housing Project.

OPTION 3 – Council DIRECT STAFF to continue to focus on the Braidwood Supportive Housing Project to provide housing for the working poor and homeless only.

Prepared by,



David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

#### *Attachments:*

1. May 16<sup>th</sup> 2014 letters to Minister McRae and Minister Coleman;
2. July 25<sup>th</sup> 2014 Draft Meeting Minutes with MLA Don McRae, BC Housing staff, Mayor Jangula, CAO David Allen, and John Jessup – Social Planning Consultant

# THE CORPORATION OF THE CITY OF COURtenay

*Legislative Services Department  
830 Cliffe Avenue  
Courtenay, B.C.  
V9N 2J7*



*Phone (250) 334-4441  
Fax (250) 334-4241  
jward@courtenay.ca*

City File No.: 5040-20

May 16, 2014

The Honourable Rich Coleman  
Minister of Natural Gas Development and  
Minister Responsible for Housing and  
Deputy Premier  
P.O. Box 9052 Stn Prov Govt  
Victoria, B.C.  
V8W 9E2

Dear Minister:

**Re: City of Courtenay Supportive Housing Project**

At its regular meeting held May 12, 2014 Courtenay Council considered a report from the City's CAO regarding the City's proposed Braidwood Supportive Housing project (attached for reference).

Subsequent to receiving the report, Council passed the following resolution:

*"That the Mayor and CAO meet with Minister McRae to discuss the Braidwood Supportive Housing Project and forward the City's request for ongoing operating funding for the project to Minister Coleman."*

The Braidwood Supportive Housing project is Council's #1 Strategic Priority, and Council feels this project is of great importance to the entire Comox Valley.

I have also attached an interim report from February 2014 to provide you with additional background.

Thank you for consideration of Council's request, and please do not hesitate to contact me if you have any questions or concerns.

Yours truly,

John Ward, CMC  
Director of Legislative Services

Pc: Hon. Don McRae, Minister of Social Development and Social Innovation

# THE CORPORATION OF THE CITY OF COURtenay

Legislative Services Department  
830 Cliffe Avenue  
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V9N 2J7



Phone (250) 334-4441  
Fax (250) 334-4241  
[jward@courtenay.ca](mailto:jward@courtenay.ca)

City File No.: 5040-20

May 16, 2014

The Honourable Don McRae  
Minister of Social Development and Social Innovation  
P.O. Box 9052 Stn Prov Govt  
Victoria, B.C.  
V8W 9E2

Dear Minister:

**Re: City of Courtenay Supportive Housing Project**

At its regular meeting held May 12, 2014 Courtenay Council considered a report from the City's CAO regarding the City's proposed Braidwood Supportive Housing project (attached for reference).

Subsequent to receiving the report, Council passed the following resolution:

*"That the Mayor and CAO meet with Minister McRae to discuss the Braidwood Supportive Housing Project and forward the City's request for ongoing operating funding for the project to Minister Coleman."*

The Braidwood Supportive Housing project is Council's #1 Strategic Priority, and Council feels this project is of great importance to the entire Comox Valley.

I have also attached an interim report from February 2014 to provide you with additional background.

Thank you for consideration of Council's request, and please do not hesitate to contact me if you have any questions or concerns.

Yours truly,

John Ward, CMC  
Director of Legislative Services

Pc: Hon. Rich Coleman, Minister of Natural Gas Development and Minister Responsible for Housing and Deputy Premier



THE CORPORATION OF THE CITY OF COURtenAY

## STAFF REPORT TO COMMITTEE OF THE WHOLE

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**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Braidwood Housing Project Interim Report

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**File No.:** 5040-20  
**Date:** February 24, 2014

### PURPOSE:

The primary purpose of this report is to provide Council with an interim report on a proposed supportive housing project at a City-owned property located at 810 Braidwood Road. This interim report, which is appended to this staff report, seeks DIRECTION from Council through the Committee of the Whole.

Prepared by Mr. John Jessup, a Social Housing Consultant hired by the City, the interim report also provides recommendations on a future social housing policy.

Mr. Jessup will be in attendance at the February 24<sup>th</sup> 2014 COW to present his interim report, and answer questions.

### POLICY ANALYSIS:

The Braidwood Housing Project has been identified as Council's number one priority in the City's 2013 Strategic Priorities Report which is available on the City of Courtenay website at:

<http://www.courtenay.ca/city-hall/strategic-plan.aspx>

### INTERIM REPORT RECOMMENDATIONS:

- A. THAT Council authorizes the Social Planning Consultant under direction of the CAO to establish the Working Group described in this report to issue an EOI/RFP for development of the City-owned 810 Braidwood Road site as a supportive housing for homeless project for adult men and women.
- B. That the Social Planning Consultant immediately begin neighborhood consultation on the basis that the site will be developed as an approximately 30 unit supportive housing for homeless project.
- C. THAT Council instruct the Social Planning Consultant to work under direction of the CAO to enter into negotiations with BC Housing towards execution of an MOU between the City and BC Housing outlining municipal contributions to the project and committing BC Housing to a unit allocation to the project.
- D. THAT prior to entering into negotiations with BC Housing, the City of Courtenay undertake a preliminary geotechnical survey, a phase 1 environmental assessment, a hazardous materials survey of the existing building on the site, and a civil engineering review of the capacity of existing underground water, sanitary and storm infrastructure serving the 810 Braidwood Road site, to determine the extent of the City liabilities in regards to these issues for inclusion in the MOU.
- E. THAT the Social Planning Consultant under direction of the CAO enter into discussions with the Director of Development Services, the Director of Financial Services, and any other appropriate City staff to explore how the development fees and charges to be forgiven as part of the MOU with BC Housing for development of the Braidwood site will be recovered by the City.

- F. THAT the Mayor on behalf of City Council write a letter to the Mayor of the Town of Comox offering the services of the City's Social Planning Consultant on a pro bono basis to assist in securing the site for the Comox Valley Transition Society from the sympathetic public institution in Comox and to enter into negotiations with BC Housing to secure a unit allocation for the 2<sup>nd</sup> Stage Housing for women fleeing violence project proposed there.

Respectfully submitted,

---

David Allen  
Chief Administrative Officer

CITY OF COURtenay  
Social Housing Strategy Report to Council

**TO: CITY COUNCIL**

**FROM: SOCIAL PLANNING CONSULTANT**

**SUBJECT: SOCIAL HOUSING STRATEGY**

**STATUS: CONSIDERATION**

**DATE: FEBRUARY 20, 2014**

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## **INTRODUCTION**

This is the Interim Report from the Social Planning Consultant hired by the City. The report:

1. Examines gaps in housing need, and
2. Proposes a social housing strategy for moving forward.

## **BACKGROUND**

The Social Planning Consultant has reviewed all documentation on the CVRD website, met regularly with the Ad Hoc Emergency Resources Organization (AHERO) Committee, interviewed key proponents of social housing in the community, reviewed the stock of existing social housing in the Valley, examined the development capacity of the Braidwood Site, and met with CAO David Allen and more recently with Director of Development Services, Peter Crawford, and Manager of Planning, Ian Buck.

The City has recently purchased a site at 810 Braidwood Road in Courtenay for the purposes of developing a supportive housing project for homeless people there. Prior to meeting with Braidwood Road neighbors and administering the EOI/RFP for the City-owned Braidwood Road site, it is necessary for Council to confirm the development plan for the site and commit to taking the necessary steps which, in the opinion of the Social Planning Consultant, are necessary to move the project forward.

## **ISSUES**

### **1. Potential Gaps in Housing Need**

It is useful at the outset of this discussion if we are all aware of the general description of the types of shelter and support services referred to in this report. These include: (1) emergency shelter, (2) drop-in centre, (3) supported housing, and (4) transition and 2<sup>nd</sup> stage housing for women.

Emergency Shelter. In many communities on the Island, North of the Malahat, the shelter is synonymous with the Salvation Army. Sometimes located in a renovated larger home or in a purpose-built facility, it contains beds for overnight accommodation. Some shelters are for men only. Others are for men and women. In Courtenay, the Salvation Army Shelter is "Pidcock House".

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Shelter beds are categorized as permanent beds and EWR (Extreme Weather Response) beds. Permanent beds are available year round. EWR beds are only available from Nov 1<sup>st</sup> to March 31<sup>st</sup>, if on the night in question the temperature drops to zero degrees Celsius or below. Permanent beds are provided in shared bedrooms. EWR beds are mats provided in dorm rooms.

Funding can affect both permanent and EWR shelter bed availability. BC Housing funds most shelters on the Island. Unless non-profit housing providers are willing to supplement the cost of providing extra shelter beds, capacity is determined by the number of permanent or EWR beds BC Housing is willing to fund, even though the actual bed capacity of the shelter may be more.

Shelter admittance policy can also affect bed availability for persons whose sobriety is questionable. For those shelters whose administrative policy is more tolerant, a sobriety assessment capability and a social detox room is a practical requirement.

But a shelter is not housing. Bedrooms are shared with one or more clients. Bedrooms and dorms are locked in the morning and opened again in late afternoon. While clients can now spend the day in common areas of the shelter, they usually leave the shelter during some part of the day to carry out their daily routines in the community.

Shelter clients can only spend a maximum of 30 continuous days at the shelter. However, beyond 5 days, some shelters require that the client meet with a case worker to set up a Personal Development Plan (PDP) in order to ensure a longer stay at the facility. This assists them while they work through the personal issues that made them homeless and search for suitable permanent housing.

Drop-In Centre. A drop-in centre or those facilities and services associated with a drop-in centre are often incorporated into the shelter. Pidcock House provides showers, laundry and meals for clients, as well as personal assessment and counseling, and referrals to other local agencies which may be able to further help and support a client.

Supportive Housing. Supportive housing has two primary components as its name suggests: housing and support. Unlike a shelter, each tenant is provided a small self-contained dwelling unit with its own three-piece bathroom and modest but complete kitchen. To ensure development costs and operating expenses are manageable, most units in a supportive housing project are bachelor or studio units (same unit different terms only). A few units may be one-bedroom to accommodate the occasional couple or fully accessible to allow occupancy by a special needs tenant.

In addition to a site manager, supportive housing is staffed by a minimum of 2 support workers per shift on a 24/7 basis. Support workers are trained to deal with building security and maintenance as well as tenant supervision and support.

The philosophy behind supportive housing is grounded in “housing first” and “harm reduction” best practices. Tenants are admitted regardless of whether they have mental health or substance use issues. The idea is to house tenants first and then to engage them gradually to address their personal issues.

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This may involve putting them in touch with specialist support staff from other agencies, such as Mental Health and Substance Use staff at VIHA.

If the City-owned Braidwood Road site is developed as supportive housing, the non-profit housing provider selected to develop and operate the housing project will be required to operate the facility like any other responsible market rental apartment property manager. The goal is to select and support a compatible group of diverse tenants that can live together in a relatively harmonious community.

The non-profit housing provider must strive to create a mix of tenants that are capable of living independently with support. The mix of tenants will include some who require minimal support, others who require a moderate degree of support, and a few that require a high degree of support.

Not all homeless people or people at risk of becoming homeless will want to live in supportive housing. It is the responsibility of the non-profit housing provider to establish policies and procedures, rules and guidelines which ensure that all tenants can live in the project in personal safety and social fulfillment.

For some tenants, the project will be a transition to a more independent life. Through volunteerism, casual employment opportunities and vocational training, many tenants will move on to regular employment and market rental housing. Others, however, may not be capable of doing so, and for them, housing at the project will become permanent.

One important rule of tenancy is that no trafficking of drugs, alcohol or sex can be allowed on the premises. And, personal use of drugs and alcohol must be managed responsibly by each tenant in order to ensure that all tenants have the “right to quiet enjoyment” of their premises.

Supportive housing projects like all market rental apartments are operated under the Residential Tenancy Act (RTA). While the mostly single tenants will be low-income and many will have personal challenges such as mental health and substance use issues, given the level and competency of support provided on a 24/7 basis at the project, it should operate more or less like any other market rental apartment in the neighborhood.

Transition and 2<sup>nd</sup> Stage Housing for Women. Many larger cities on the Island have a separate non-profit society which has as its mandate the provision of transition and 2<sup>nd</sup> stage housing for women. In Nanaimo, it is Haven Society. In Campbell River, it is the Campbell River and North Island Transition Society. And, in the Comox Valley, it is the Comox Valley Transition Society.

In Courtenay, “Lilli House” is a transition house for women fleeing violence and is operated by the Comox Valley Transition Society. A transition house is operated similarly to an emergency shelter, but its focus is on women fleeing violence. This may be from violence or fear of violence in the home or on the street. It is this latter aspect which makes it seem like an emergency shelter, but the underlying need for transition housing for women is violence and fear of violence, not homelessness per se. And, unlike Pidcock House operated by the Salvation Army Community Ministries, no men are allowed.

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The issue with transition housing for women fleeing violence is that after 30 consecutive days, like emergency shelters for men and women, the women must somehow move on. For women with limited personal resources, the challenge to find longer-term affordable and safe accommodation is daunting. This is not only for single working women, but also for women from moderate to well to do circumstances awaiting divorce settlements who temporarily find themselves penniless. And, some women fleeing violence have taken their young children with them and require two-, three- and sometimes four-bedroom housing.

It is this need for longer term supportive housing for women fleeing violence and sometimes with children which fuels the need for what is called in the Violence Against Women Sector, 2<sup>nd</sup> Stage Housing.

To summarize, the "Violence Against Women" (VAW) Sector is distinguished from the homeless shelter and supportive housing sector in several ways:

1. Its primary focus is on women, single or with children, who have experienced or are at risk of experiencing violence in the home or on the street;
2. Managing and providing support for women fleeing violence requires a different set of skills and competencies than the training and experience required for support workers staffing emergency shelters and supportive housing project for the homeless, many of whom have mental health and substance use issues;
3. Tenant mix in 2<sup>nd</sup> stage housing requires some two-, three- and possibly four-bedroom units to accommodate single parent women with children, as well as child-minding facilities on the ground floor and play structures in outside landscaped areas;
4. BC Housing funds the operating subsidies for transition and 2<sup>nd</sup> stage housing for women fleeing violence through a separate budget category called the "Women's Transition Housing and Support Program (WTHSP); and,
5. Further emphasizing these differences, most transition societies in BC, like the Comox Valley Transition Society in Courtenay, belong to a Provincial parent association called, the BC Society of Transition Houses.

This distinction between the emergency shelter and supportive housing sector for the homeless and the women against violence sector is important in light of the apparent competition between the two housing proposals emerging in the Comox Valley.

## **2. Social Housing Strategy**

### **2.1 Prioritize Housing Needs.**

A review of the inventory of existing social housing projects and a survey of key social agencies confirms that there are no supportive housing projects for the homeless and no 2<sup>nd</sup> stage transition housing for women fleeing violence in the Comox Valley.

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The survey also reveals that there is an emergency shelter for homeless men and women at "Pidcock House" operated by the Salvation Army Community Ministries, and a transition house for women fleeing violence at "Lilli House" operated by the Comox Valley Transition Society. Both located in Courtenay.

What is clear to the Social Planning Consultant is that these are two very distinct needs which beg to be considered separately not together as the discussion following further emphasizes.

**2.2 Housing Needs Assessment**

AHERO's 2008 homeless survey identified 159 homeless people. Ninety-seven (97) were adult men and 29 were adult women. The remainder was youth (22) and children (12).

In January 2011, the CVRD Standing Committee on Housing and Homelessness set priorities for housing needs in the Comox Valley:

1. Mentally ill and addicted
2. Women fleeing abusive relationship
3. Families
4. Youth (over 15 years)
5. Seniors living alone.

Similar to many communities on the Island, all target groups include a portion of First Nations' people.

Also identified by the homeless themselves was somewhere to go during the day and/or when time runs out at the shelter.

There is no low-barrier emergency housing or sobering centre available.

Transitional housing that is available includes hotels, motels and a few low-end-of-market (LEM) rental apartments and secondary suites.

Shelter or housing for youth under 19 years is not available.

Residential treatment, supportive recovery and detox beds are in short supply.

Also in January 2011, the CVRD Standing Committee on Housing and Homelessness identified in particular: "...longer stay housing such as transitional housing, second stage housing and supportive housing..." to meet existing outstanding needs.

The Social Planning Consultant concludes that the City's priorities, based on all the previous work done by others as well as his own recent investigation, should be as follows:

1. Supportive Housing for homeless, many of whom are suffering from mental health and substance use issues, be developed on the City-owned Braidwood site subject to administration of an EOI/RFP; and,

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2. 2<sup>nd</sup> Stage Housing for women fleeing violence be the City's second priority and pursued on a separate site in partnership with the Comox Valley Transition Society without the requirement of an EOI/RFP.

2.3 Shelter/Transition House Bed Capacity and Utilization.

Bed capacity and utilization statistics provided by the Salvation Army Community Ministries for Pidcock House and by the Comox Valley Transition Society for Lilli House were reviewed.

Pidcock House. Based on 12 permanent beds for men and 6 permanent beds for women, a total of 18 permanent beds, during 2013 there was a total capacity of 6,570 bed-nights at the Shelter. Out of 6,570 bed-nights available, 5,061 bed-nights were used, or on average 77% of capacity. However, if only the 14 BC Housing funded beds are included, this yields 5,110 bed-nights available and an average usage rate of 99% capacity. Further, 2013 bed use stats suggest that on an average night, for every person turned away (384 turnaways), there was an unused bed available (351 beds unused) at the Shelter. And, finally, while total bed-nights used rose from 2011 (4,739 bed-nights) to 2012 (5,527 bed-nights), bed-nights used declined from 2012 to 2013 (5,061 bed-nights), although not to their 2011 levels.

If the rules of admission were loosened and BC Housing funding increased, some extra capacity might be found at the Shelter. This does not include the 15 EWR beds which could be available year round, not just Nov 1<sup>st</sup> to March 31<sup>st</sup>. But this also depends probably on BC Housing funding.

Lilli House.

For the fiscal year 2006-2007, 139 women and 66 children stayed at Lilli House. Also during the same period, 35 women were enrolled in the Detox and Supportive Recovery program. For the 2013 calendar year, 155 women and 79 children stayed at Lilli House, and during the same period, 72 women were enrolled in the Detox/Supportive Recovery program.

In 2013, Lilli House was full 243 nights. In 2013, more than any previous year, staff was forced to find some women accommodation at local hotels because Lilli House was full. This was increasingly the case because women were staying longer at Lilli House as there is no 2<sup>nd</sup> stage housing available.

**3. Provincial Homeless Initiative (PHI) Program and Braidwood Site Opportunities**

PHI Program

BC Housing has provided the City \$50,000 in PDF (Proposal Development Funding) to pay for an EOI/RFP and schematic design and other preliminary work towards a supportive housing project. Typically, a supportive housing project would be in the range of 30 to 40 units. This ensures that the capital budget is in the \$6.0 to \$7.0 million range and the operating subsidy is around \$1,200.00 per unit per month net of the interest and principle on the 100% mortgage which BC Housing automatically assumes responsibility for.

From the previous review, two options emerge for the City-owned Braidwood Road site:

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The first option is to include a shelter and drop-in centre along with supportive housing for homeless, or just build supportive housing alone?

The second option is to build supportive housing for homeless only, or to take on the additional challenge of doing both a supportive housing for homeless on the Braidwood site, and a 2<sup>nd</sup> stage housing project for women fleeing violence on another site?

Supportive Housing for Homeless on the City-owned Braidwood Road Site in Courtenay

An analysis of the development capacity of the City-owned Braidwood Road site reveals that in order to keep within the 1.2 Floor Area Ratio (FAR), a supportive housing project of 30 studio units is possible. This assumes that half the ground floor and all of the 2<sup>nd</sup> and 3<sup>rd</sup> floors would be residential units. The other half of the ground floor would be offices and counselling rooms, a board room, a multi-purpose room and a laundry. Subject to geotechnical review, a partial basement would be provided to include mechanical, electrical, elevator and IT rooms, as well as bulk storage lockers for tenants. The basement is not included in the FAR calculation. In spite of these constraints, variances would be required to reduce the 3<sup>rd</sup> floor side yard setbacks from 6m to 4.5m (20 to 15 feet), reduce the parking requirements from 1.5 stalls per unit to 0.15 stalls per unit, and reduce usable outside open space to about 232 square meters (2,500 sf) in total. Homeless people do not own cars. Most of the parking will be for support staff and visiting specialist staff from local agencies. Other municipalities on the Island (Victoria, Nanaimo and Campbell River, for example) have parking requirements of 1 stall for every 10 units for supportive housing for homeless projects.

A specific development plan is required because the site is smaller and the FAR lower than would allow a more typical supportive housing project with, say, three residential floors of 12 units each, for a total of 36 units, and a full ground floor for offices and support amenities, and utility and service rooms.

No site is ideally located for homeless supportive housing. The Braidwood site is sandwiched between a retail/commercial use on one side and a multi-residential use on the other. It is opposite an older trailer park. In short, the site is located in what could be described as a transition zone. It is somewhat distant from the downtown area and public transit is not nearby, so it is not well located for an emergency shelter and drop-in centre. But it is an acceptable site for housing apartments for the homeless and tenant amenities to support them. It is also in close walking distance to the retail stores at the Washington Park Centre mall.

Proposed Publically-owned Site in Comox for 2<sup>nd</sup> Stage Housing for Women

In the Consultant's view and following the recommendations of many other groups in the Valley, the first priority must be development of supportive housing for adult homeless men and women. However, it emerged during discussions with community groups that the second priority should be the development of 2<sup>nd</sup> stage housing for women and single-parent women with children fleeing abusive domestic violence or homeless women experiencing violence on the street.

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Unlike supportive housing for homeless adult men and women, 2<sup>nd</sup> stage housing for women fleeing violence is distinctly different in several ways as earlier described in the background to this report.

The important conclusion is that these two initiatives must be considered separately yet simultaneously as they are both major deficiencies in the housing options available in the Valley.

Further, it must be appreciated that there need be no RFP for a site dedicated to the development of 2<sup>nd</sup> stage housing for women fleeing violence in the Valley. The Comox Valley Transition Society possesses the management and support staff trained and experienced to develop and operate such a project. No other non-profit group in the Valley can claim competency in this field.

Consider also the experience of the neighboring municipality to the North, Campbell River. Having developed 2<sup>nd</sup> stage housing for women first, they are now realizing that they still need supportive housing for homeless adult men and women.

Comox Valley Transition Society has revealed that they have approached a sympathetic public owner of a suitable site in the Town of Comox for development of a 2<sup>nd</sup> stage housing project for women fleeing violence.

This report recommends that the Town of Comox support this initiative and take whatever steps are necessary to ensure securing the site for the Comox Valley Transition Society for this purpose. This must include the Town of Comox entering into an MOU with BC Housing to provide the operating subsidy through the Women's Transition Housing and Supports Program (WTHSP) for this project.

## **DISCUSSION**

"Luck favors the brave!"

The 810 Braidwood Road site is owned by the City of Courtenay. It is located in a "transition zone". It is smaller physically and lower in zoning density than ideal, but it is adequate for the purpose of supportive housing for homeless people. Maximizing the number of supportive housing units delivered on this site will remove these homeless people from having to use emergency shelters and drop-in centres. Although Pidcock House is operating close to capacity, removing 30 adult men and women from the street will relieve the pressure on the Salvation Army facility. Because the development capacity of the Braidwood site is limited, perhaps this will motivate BC Housing to consider also committing to building the 2<sup>nd</sup> stage housing for women fleeing violence in Comox as well. No thoughtful person would propose that single homeless men and women, many with challenges with mental health and substance use issues, would be compatible with single women and single-parent women with children fleeing violence. Thus, there is a need to separate these two kinds of social housing in considering how to move forward with both on separate sites.

Einstein purportedly said, "If I was given an hour to save the world, I would spend the first 55 minutes defining the problem!" Well, I must give the Comox Valley communities the credit for taking the first 55 minutes to define the problem. However, I believe, now is the time for decision.

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In my view, the City must proceed with engaging BC Housing in negotiating a Memorandum of Understanding similar to what Campbell River, Nanaimo and Victoria have previously entered into. If successfully negotiated, this will confirm the municipal contribution to BC Housing and confirm BC Housing's commitment to the project for the City.

The Social Planning Consultant is prepared on a pro bono basis to make himself available to the City of Courtenay and the District of Comox (and the friendly public institutional vendor) in entering into negotiations with BC Housing to secure both the municipal contribution and the BC Housing commitment to these two projects.

Are there any guarantees in all this? No. But the age old adage applies: "Nothing ventured. Nothing gained".

**WORKING GROUP ON EOI/RFP FOR BRAIDWOOD SITE**

The Social Planning Consultant proposes that an EOI/RFP be issued to all non-profit housing providers in the Comox Valley and on the Island as the means of selecting the housing provider for the supportive housing for homeless project on the City-owned 810 Braidwood Road site.

The EOI/RFP to be prepared, issued and evaluated by the Working Group comprised of the following members:

1. The Manager of Planning for the City, Mr. Ian Buck.
2. The Senior Project Officer assigned to the project by BC Housing, Ms. Donna Money.
3. The Manager of Mental Health and Substance Use, Mr. John Fitzgerald, or his designate.
4. A representative appointed by the BC Non-Profit Housing Association.
5. The Social Planning Consultant, Mr. John Jessup, as chair.

This is a professional/technical working group with knowledge and expertise in preparing, issuing and evaluating EOI/RFP submissions. The role of the working group is to recommend to City Council, the housing provider selected to operate the supportive housing for homeless project on the City-owned Braidwood site.

A comprehensive report on the EOI/RFP process will be provided to City Council. All of the results of the EOI/RFP submissions will be provided for Council's review. It will be City Council's decision alone as to which of the housing providers submitting should be appointed as project sponsor. Council will be under no obligation to appoint the sponsor recommended by the working group.

One final comment must be made on the selection criteria at this stage and that is the notion of building community capacity for supportive housing. There will be great temptation to go for non-profit housing providers with deep competence in the development, operation and management of supportive housing for homeless. Yet, the Social Planning Consultant highly recommends that extra points be given to local groups from the Comox Valley. Local non-profit societies whose members are drawn from the Comox Valley communities and whose boards of directors are nominated from community members will provide accountability at the local level. Even if locally based community non-profit groups are not

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fully competent to deal with the development and operational issues which emerge in a supportive housing for homeless project, the question is whether they are capable of rising to the challenge. Otherwise, the Comox Valley will be dependent upon the competence and expertise of outside groups, accountable to outside communities.

#### **CITY FORGIVENESS OF DEVELOPMENT FEES AND CHANGES**

Approval of a 60-year lease of the City-owned Braidwood Road site for \$10.00 nominal rent will require a two-thirds majority of Council. However, forgiveness of development permit and building permit fees and DCC's will require the City to identify an alternate source of funding for this purpose. The Director of Development Services advises that DP and DVP fees of \$4,500.00, building permit fees of \$7.50 per \$1,000 of construction value (\$30,000 for a \$4.0 million construction value), and DCC's in the range of \$375,000 would apply. The issue for the City is how would these costs be covered? Whether paid by the City or not, site servicing costs for the project would need to be determined following a site servicing study.

#### **RECOMMENDATIONS**

The Social Planning Consultant recommends:

- A. THAT Council authorizes the Social Planning Consultant under direction of the CAO to establish the Working Group described in this report to issue an EOI/RFP for development of the City-owned 810 Braidwood Road site as a supportive housing for homeless project for adult men and women.
- B. That the Social Planning Consultant immediately begin neighborhood consultation on the basis that the site will be developed as an approximately 30 unit supportive housing for homeless project.
- C. THAT Council instruct the Social Planning Consultant to work under direction of the CAO to enter into negotiations with BC Housing towards execution of an MOU between the City and BC Housing outlining municipal contributions to the project and committing BC Housing to a unit allocation to the project.
- D. THAT prior to entering into negotiations with BC Housing, the City of Courtenay undertake a preliminary geotechnical survey, a phase 1 environmental assessment, a hazardous materials survey of the existing building on the site, and a civil engineering review of the capacity of existing underground water, sanitary and storm infrastructure serving the 810 Braidwood Road site, to determine the extent of the City liabilities in regards to these issues for inclusion in the MOU.
- E. THAT the Social Planning Consultant under direction of the CAO enter into discussions with the Director of Development Services, the Director of Financial Services, and any other appropriate City staff to explore how the development fees and charges to be forgiven as part of the MOU with BC Housing for development of the Braidwood site will be recovered by the City.
- F. THAT the Mayor on behalf of City Council write a letter to the Mayor of the Town of Comox offering the services of the City's Social Planning Consultant on a pro bono basis to assist in

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securing the site for the Comox Valley Transition Society from the sympathetic public institution in Comox and to enter into negotiations with BC Housing to secure a unit allocation for the 2<sup>nd</sup> Stage Housing for women fleeing violence project proposed there.



THE CORPORATION OF THE CITY OF COURtenay  
**STAFF REPORT**

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**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Braidwood Housing Project Update

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**File No.:** 5040-20  
**Date:** May 12, 2014

**PURPOSE:**

The purpose of this report is to update Council on the Braidwood Supportive Housing Project, and seek direction on next steps, specifically:

1. Results of the Neighbourhood Consultation process;
2. Progress on the EOI / RFP process;
3. Recent changes to BC Housing funding opportunities; and
4. Recommended next steps

**POLICY ANALYSIS:**

The Braidwood Supportive Housing Project is Council's number one Strategic Priority for 2014, and is intended to assist in addressing the significant impacts related to homeless people, and those with social issues and challenges.

**CAO RECOMMENDATIONS:**

That based on the May 12<sup>th</sup> 2014 Staff report "Braidwood Housing Project Update", and the attached report from the Braidwood Social Planning consultant, Council DIRECT staff to work with the Braidwood Social Planning Consultant to proceed with the EOI/RFP selection process as quickly as possible, and

That it be made clear to potential proponents that traditional PHI supportive housing subsidies are not available, and

Furthermore, that the City's approach emphasizes the use of rent supplements and modest capital grants, as well as partnerships with other public and private agencies to ensure that supportive housing can be provided on a long term financially viable basis.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

At a Regular Open Council meeting held on March 3<sup>rd</sup> 2014, Council passed the following resolution.

- a. That Council authorize the Social Planning Consultant under direction of the CAO to establish the Working Group described in this report to issue an EOI/RFP for development of the City-owned 810 Braidwood Road site as a supportive housing for homeless project for adult men and women;
- b. That the Social Planning Consultant immediately begin neighbourhood consultation on the basis that the site will be developed as a planned 30-unit supportive housing for homeless project;
- c. That Council instruct the Social Planning Consultant to work under direction of the CAO to enter into negotiations with BC Housing towards execution of an MOU between the City and BC Housing outlining municipal contributions to the project and committing BC Housing to a unit allocation to the project;
- d. That prior to entering into negotiations with BC Housing, the City of Courtenay undertake a preliminary geotechnical survey, a phase 1 environmental assessment, a hazardous materials survey of the existing building on the site, and a civil engineering review of the capacity of existing underground water, sanitary and storm infrastructure serving the 810 Braidwood Road site, to determine the extent of the City liabilities in regards to these issues for inclusion in the MOU;
- e. That the Social Planning Consultant under direction of the CAO enter into discussion with the Director of Development Services, the Director of Financial Services, and any other appropriate City staff to explore how the development fees and charges to be forgiven as part of the MOU with BC Housing for development the Braidwood site will be recovered by the City; and
- f. That the Mayor on behalf of City Council support the services of the City's Social Planning Consultant on a pro bono basis to assist in the securing of a site for the Comox Valley Transition Society and enter into negotiations with BC Housing to secure a unit allocation for the 2<sup>nd</sup> Stage Housing for women fleeing violence project proposed there.

**DISCUSSION:**

Attached to this report is an update from the Braidwood Social Planning Consultant, Mr. John Jessup on progress to date on items "a" and "b" in the Council resolution above. The ~~consultant~~ report includes the results of the neighbourhood consultation, additional analysis, and recommendations.

Of particular concern is the indication from BC Housing staff that there will be no operating subsidies available through BC Housing, and further that, beyond the \$50,000 PDF funding that the City has already received; no other capital funding for the project should be expected. If this is the case, then funding for the Braidwood project will need to be obtained from other sources.

**FINANCIAL IMPLICATIONS:**

In July 2013, BC Housing confirmed that they made \$50,000 available to the City, in a proposal development loan, to assist in the planning and development of a supportive housing proposal for this site. A portion of the funds committed by BC Housing can be used towards the development of the RFP and the process of selection of the non-profit operator. The remainder can be used by the successful proponent in further developing the project. Additional funding options are outlined in the attached report from the Social Housing consultant.

#### **ADMINISTRATIVE IMPLICATIONS: (*work plan, etc.*)**

The CAO is the project lead, and works directly with the consultant. Additional support is received from the Development Services staff and is included in the 2014 corporate work plan.

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

The Braidwood Supportive Housing Project is Council's number one strategic priority for 2014.

#### **OFFICIAL COMMUNITY PLAN REFERENCE:**

- ✓ The provision of non-profit housing as a means of increasing the supply of rental housing is strongly encouraged. Preference is for affordable and social housing to be dispersed throughout the City and not concentrated in one area.
- ✓ Ensure the provision and integration of special needs and affordable housing.
- ✓ Encourage housing opportunities and convenient community services for individuals having special housing requirements.

#### **REGIONAL GROWTH STRATEGY REFERENCE:**

- ✓ Ensure a diversity of housing options to meet evolving demographics and needs.
- ✓ Encourage residential multi-unit or multi-lot developments to contribute to affordable housing options including, but not limited to a range of unit sizes and types, lot sizes, multifamily or attached-unit buildings, rental units and secondary suites. These contributions could take the form of land, cash, buildings or other such items as supported by the local governments.

#### **CITIZEN/PUBLIC ENGAGEMENT:**

Two Braidwood neighbourhood Open Houses were held on April 23<sup>rd</sup> and 24<sup>th</sup>. The results of this public engagement process are outlined in the attached report from the project consultant.

Prepared by:



David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

*Attachment: Social Housing Program Report, Jessup & Associates, May 8<sup>th</sup> 2014*

**CITY OF COURtenay**  
**Social Housing Progress Report to Council**

**TO: CITY COUNCIL**

**FROM: SOCIAL PLANNING CONSULTANT**

**SUBJECT: SOCIAL HOUSING PROGRESS REPORT**

**STATUS: CONSIDERATION**

**DATE: MAY 8, 2014**

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## **INTRODUCTION**

This is a Progress Report from the Social Planning Consultant hired by the City. The report:

1. Reviews results of the Neighborhood Consultation program,
2. Outlines the steps which have been taken to begin the EOI/RFP process,
3. Describes recent changes to BC Housing funding opportunities, and
4. Recommends steps for moving forward with the social housing development strategy.

## **BACKGROUND**

At their meeting of the whole, March 3, 2014, Council accepted the report from the Social Planning Consultant and approved unanimously the recommendations contained in the report which in part included:

“A. That Council authorize the Social Planning Consultant under direction of the CAO to establish the Working Group described in this report to issue an EOI/RFP for development of the City-owned 810 Braidwood Road site as a supportive housing for homeless project for adult men and women; and,

“B. That the Social Planning Consultant immediately begin neighbourhood consultation on the basis that the site will be developed as a planned 30-unit supportive housing for homeless project.”

This report reports on the work completed to date on these two matters and recommends next steps including timelines for proceeding with this work.

## **NEIGHBOURHOOD CONSULTATION**

A letter to neighbors was drafted by the Consultant, and with the assistance of City staff was transformed into an attractive brochure on the proposed project. The brochure included: background on City Council actions, an invitation to an open house, and additional project information. The brochure is included in Appendix 1 – Neighbourhood Consultation, attached to this report.

City staff defined the area to be included in the consultation. This included residences and properties on either side of Braidwood and Back Roads, as well as a few properties across the Island Highway. In total, 1,000 residences and property owners were identified for consultation.

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Because of the large number of potential attendees to the open house, two open houses were scheduled. One for the morning of Wednesday, April 23<sup>rd</sup>, between 10AM and 2PM, and the second for the afternoon and evening of Thursday, April 24<sup>th</sup>, between 4PM and 8PM. The Wednesday session was to be convenient for lunch hour attendees and the Thursday session was to be convenient for after work and after dinner attendees.

The Consultant prepared 5 presentation boards on easels. These included a copy of the brochure, a map of the consultation area, and three pictures of similar projects completed under the BC Housing PHI (Provincial Homelessness Initiative) program: Rose Harbour, in Campbell River, and Wesley Street and Salish Lelum projects in Nanaimo. All 5 boards are included in Appendix 1 – Neighbourhood Consultation, attached to this report.

About 30 property owners and residents in total attended the open houses. Twenty-four (24) people including 4 couples, signed in. This totaled 20 households.

Twelve (12) households lived on Braidwood Road. Seven (7) households lived on Back Road. And, one (1) household lived on Old Island Highway, outside the notification area.

Along Braidwood Road, one (1) household was from 791 Braidwood, five (5) households were from 840 Braidwood, four (4) households were from 950 Braidwood, and two (2) households were from 1050 Braidwood. Most households came from 840 Braidwood, a four-story condominium apartment building immediately adjacent to the development site.

The open houses were hosted by the City in Craft Room "A" at the Lewis Centre. It was staffed by the Consultant and usually one City staff member. Ian Buck, Manager of Planning, attended most of the Wednesday session. Peter Crawford, Director of Development Services, attended most of the Thursday session. David Allen, CAO, dropped in over his Noon hour break at the Wednesday session.

In spite of the seriousness of the topic and the perceived impact on their neighbourhood, all of the property owners and residents attending were civil and polite. This, in some cases, in spite of concern and anxiety on their part about the proposed project. A sincere thank you from the Consultant and City staff for the fair and reasonable treatment from property owners and residents to the hosts of the open houses.

A total of 12 open house attendees left written comments and one followed up with an extensive email.

A summary of the themes of the written comments follows:

- I am a retired senior and afraid of homeless people living in my neighborhood
- I must now sell my unit and go back to work to purchase somewhere else
- this project will lower the market value of my property
- Seniors and young families live here, is this the right place for a project like this?
- Good single earner family neighborhood, problems with some drug use, but trying to clean it up
- Already plenty of low income housing in this area

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- City should spread out low income housing in several neighbourhoods rather than creating a slum in one area
- More thought should be given to where we are putting housing for homeless because of the high incidence of mental health and substance use in this population
- Why were we not consulted before this property was purchased?
- What were the City's reasons in choosing this site
- I was told this was going to be a project for the working poor not the homeless
- Not easily accessible to downtown by walking or cycling
- Not good for the downtown, so the City puts it in a family neighborhood?

The actual text of individual comments is on file at the City and with the Consultant.

Some suggestions about what the City could do to manage the homeless population in the written comments were:

- Put homeless in a rental unit in every condo building in Courtenay
- Why not put the homeless project in Crown Isle?
- Not in a family area, how about where the old Re-store was?

Consultant and Staff Reflections

In retrospect, this is not a bad choice of site. It is in a mixed use area. It is a low to moderate household income area, whether we are talking about retired seniors or young single earner families just starting out. If we do it right as supportive housing for homeless, it could work out quite well. But we must do an exemplary job.

If Council wants to soften the project around the edges of concern, it could do some of the following things in response to neighborhood concerns:

- reduce project size from 30 to 24 units
- restrict occupancy to mature homeless people over 40 years
- provide community space as part of the amenities on the ground floor
- include a passenger van to shuttle tenants to and from the downtown
- establish Braidwood Neighborhood Advisory Committee with an ex-officio representative on the chosen non-profit housing operator board

Reduction in the number of units is not recommended as it will increase the capital and operating costs per unit and reduce total rental revenue. Community space in the project would have to be leased back to the City on a market rental basis. A passenger van could be donated by a local service club.

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**PROGRESS ON THE RFP TO CHOOSE A NON-PROFIT HOUSING OPERATOR**

Progress on this final stage of the work has been delayed about a month because it took longer than anticipated to arrange for and hold the open houses. However, not all time was lost.

The members of the Working Group to administer and evaluate the results of the RFP have been confirmed as follows:

- VIHA Mental Health and Substance Use: Mr. John Fitzgerald, Manager for Comox Valley Branch
- BC Non-Profit Housing Association (BCNPHA): Mr. Jim Spinelli, BCNPHA Board Member
- City of Courtenay: Mr. Ian Buck, Manager of Planning, and
- City Social Planning Consultant: Mr. John Jessup (Chair)

BC Housing has declined to be a member of the Working Group because it may imply BC Housing financial support for the project. However, BC Housing has requested that they be allowed to review the final draft RFP prepared by the Working Group before it is issued, to ensure that any references to BC Housing are accurate. Further, BC Housing has also offered to participate in the evaluation of the proposals. This would probably involve BC Housing operations staff in Victoria.

Mr. Spinelli, BCNPHA board, is Executive Director of Nanaimo Affordable Housing Society in Nanaimo (NAHS). NAHS currently operates four (4) projects containing over 80 units. NAHS is currently developing a fifth site in Nanaimo, a supportive housing for homeless project on a City-owned site near the Nanaimo Regional General Hospital. He is an excellent choice to represent the interests of the non-profit housing sector on the Island.

The Consultant has retrieved an archived RFP template from a previous project in Nanaimo. This will be used as the basis for the Working Group in preparing a customized RFP for the City-owned Braidwood Road site in Courtenay.

It is proposed that the first meeting of the Working Group occur at Courtenay City Hall to establish the ground rules for the RFP in the latter part of May. Subsequent meetings will be through conference call. It is hoped the RFP will be released in middle to late June. There will be a 3 week period to allow respondents to prepare their submissions. A further 2 weeks will be required for evaluation of results by the Working Group and BC Housing operations staff. A final week will be needed to prepare the Council report recommending the chosen non-profit housing provider. This likely means a report back on the selected non-profit housing operator sometime in July.

**BC HOUSING FUNDING OPPORTUNITIES**

On March 4<sup>th</sup>, the day after Council approved the Interim Report on the Social Housing Strategy, there was a joint press release from BC Housing and CMHC on a 5 year extension to the investment in

**CITY OF COURtenay**  
Social Housing Progress Report to Council

Affordable Housing (IAH) program. This resulted in my calling Ms. Money at BC Housing to discuss funding opportunities for this and other projects on the Island generally.

Ms. Money made it clear to the Consultant that neither in the current budget nor in the extension of the IAH program would any operating subsidies be available not just to the Braidwood Road site project but to any housing projects approaching BC Housing for funding. And, further that beyond the \$50,000 PDF currently approved, no other capital funding beyond this initial allocation for project planning or development should be expected. I met with City staff on Tuesday, March 11<sup>th</sup>, and conveyed to them the situation.

However, my professional colleagues in the non-profit housing sector speculate that the IAH program, while not yet configured by BC Housing staff, may include rent supplements as well as modest capital grants to assist with affordable housing projects. And, these financial components would be allocated to the most cost-effective affordable housing proposals responding to a late Summer or early Fall Province-wide proposal call. Of course, this is entirely guesswork on our part. No one really knows at this time, how the IAH funding will be rolled out by BC Housing at some time hopefully later this year.

As you may appreciate, without substantial operating subsidies, supportive housing for the homeless is a real challenge. Even if the building were free, the cost of support workers to supervise, support and coordinate specialized outside resources for homeless people on site 24/7 is costly. Partnerships with other public and private service agencies, like VIHA Mental Health and Substance Use, if available and possible, may partially address this concern with less vulnerable and less needy tenants.

#### RECOMMENDATION

It is recommended that the City staff team lead by the Consultant proceed with the RFP selection process as quickly as possible. And, further that it be made clear to potential proponents that traditional PHI supportive housing subsidies are not available. The City's approach must emphasize the use of rent supplements and modest capital grants, as well as partnerships with other public and private agencies to ensure that supportive housing can be provided on a long term financially viable basis.

Appendix 1 – Neighborhood Consultation

Appendix 2 – BC Housing Funding Opportunities

- End of Report -

## APPENDIX 1 – NEIGHBOURHOOD CONSULTATION



## Supportive Housing Development Plan

# Neighbourhood Open House

*As you may already be aware, in 2013 the City of Courtenay purchased property at 810 Braidwood Road. At the March 3, 2014 Council meeting, City Council approved the eventual development of this property as a 30 unit supportive housing apartment for single homeless or homeless-at-risk adult men and women.*

*You are invited to drop-in on a Neighbourhood Open House to find out more about this project, and to speak with the City's Social Planning Consultant and a representative from the Planning Department.*

**Wednesday, April 23 OR Thursday, April 24**  
**10:00 am to 2:00 pm 4:00 pm to 8:00 pm**

**Courtenay Recreation Lewis Centre**  
**Craft Room "A"** (at north entrance, near parking lot)  
489 Old Island Highway, Courtenay

### Additional Project Information

#### What will the facility look like?

The building will be a three-storey apartment containing 30 studio dwelling units - six units on the ground floor and twelve units on each of the 2nd and 3rd floors. The remaining half of the ground floor will contain offices and tenant amenities. The proposed uses (multi residential dwellings and facility for adults with a disability) are permitted within the current R-4 zoning. The intent is to create an attractive facility that is a good fit for the neighbourhood.

#### Who will run the facility?

This hasn't been determined yet. The City will be issuing a Request-for-Proposals (RFP) shortly, to non-profit housing providers in the Comox Valley as well as the rest of Vancouver Island. A technical working group has been struck to draft and issue the RFP, evaluate the results, and report back to City Council.

### Neighbourhood Participation

The City will establish a "Neighbourhood Advisory Committee" to keep property owners and tenants informed, and to ensure that issues important to the neighbourhood are addressed.

### Next Steps

1. Request for Proposals issued by the City;
2. City selects non-profit housing provider;
3. Selected non-profit operator completes detailed design;
4. City and non-profit operator seek Provincial funding opportunities;
5. Construction of building.

### More Information

To view the interim report on the City's Social Housing Strategy, visit [www.courtenay.ca](http://www.courtenay.ca) and click on *Supportive Housing Project*.

If you have additional questions or comments, please leave your name and number at Courtenay City Hall, 250-334-4441, and the consultant will return your call; or email [info@courtenay.ca](mailto:info@courtenay.ca)



## APPENDIX 2 – BC HOUSING FUNDING OPPORTUNITIES



BC Housing

Home Office  
1701 - 4555 Kingsway  
Burnaby, BC V5H 4V8

Tel 604-433-1711  
Fax 604-439-4722  
[www.bchousing.org](http://www.bchousing.org)

July 10, 2013

Mr. David Allen  
Chief Administrative Officer  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, B.C.  
V9N 2J7

Dear Mr. Allen

This is to confirm that BC Housing will make available \$50,000 in a proposal development loan to assist in the planning and development of a supportive housing proposal in the City of Courtenay.

A portion of the funds may be used by the City to prepare a Request for Proposals (RFP) for a non profit operator to lead the development of the proposal. The remainder can be used by the successful operator to develop the business case and will be secured by a promissory note. The funds cannot be used by any potential operators to prepare a response to the RFP.

Copies of all expenses must be submitted to Donna Money, Senior Project Officer, for reimbursement.

We are pleased to be able to support this initiative.

Yours truly,

Armin Amrolia  
Acting Vice President, Development Services

Cc: Danna Locke, Director Regional Development  
Roger Butcher, Regional Director, Operations





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## Canada and B.C. extend affordable housing funding

ShareThis



March 4th, 2014

VICTORIA – The Governments of Canada and British Columbia are committing an additional investment of more than \$300 million over five years, to help more individuals and families in housing need access affordable housing. The joint-funding will be delivered through an extension to the Investment in Affordable Housing (IAH) agreement.

"Our Government remains committed to smart investments in housing to create better economic outcomes for the Canadian families who benefit from these programs," said the Honourable Candice Bergen, Minister of State for Social Development. "By partnering with the provinces and territories we want to ensure that this investment improves the quality of life of low-income Canadians, and creates needed jobs and opportunities for apprentices."

"The extension of this agreement will help us to create more housing options for British Columbians," said Rich Coleman, Deputy Premier and Minister Responsible for Housing. "Over the next five years, this funding will help build new affordable housing, enhance our rental assistance programs and support partnerships that will contribute to stronger, more sustainable communities."

The federal portion of this funding comes from Economic Action Plan 2013, which announced the Government of Canada's commitment to investing more than \$1.25 billion nationally over five years to extend the Investment in Affordable Housing and to creating opportunities for apprentices, which will support the training of skilled labour in residential housing. Governments will report annually to the public regarding the investments and progress toward achieving the intended outcomes of the IAH.

The Province of B.C. and the federal government will each contribute \$150 million under the IAH extension agreement (April 1, 2014, to March 31, 2019). The Province of British Columbia will commit the joint annual funding as follows:

- \$30 million to support and enhance existing programs; and
- \$30 million towards new construction or renovations.

On July 25, 2011, the Governments of Canada and British Columbia announced an IAH agreement with a combined investment of some \$180 million for the 2011-2014 period. This new agreement extends the original agreement for the 2014-2019 period with an additional combined investment of more than \$300 million. From April 2011 to December 2013, the IAH had already helped more than 177,500 households nationally, and close to 2,220 in B.C.

Since 2001, the Government of B.C. has invested \$3.6 billion to provide affordable housing for low-income individuals, seniors and families. This year, more than 98,000 B.C. households will benefit from provincial social housing programs and services.

To find out more about affordable housing in British Columbia visit: [www.bchousing.org](http://www.bchousing.org)

Since 2006, the Government of Canada has invested more than \$16.5 billion in housing. For B.C., this represents an investment of some \$1.8 billion. By working with its partners, the federal government has helped some 880,000 Canadians individuals and families including low-income seniors, persons with disabilities, recent immigrants and Aboriginal people.

To find out more about how the Government of Canada, through CMHC, is working to build stronger homes and communities for all Canadians, call CMHC at 1 800 668-2642 or visit: [www.cmhc.ca/affordablehousing](http://www.cmhc.ca/affordablehousing)

For more information on Canada's Economic Action Plan, call 1 800-O Canada or visit: [www.actionplan.gc.ca](http://www.actionplan.gc.ca)

## BACKGROUNDER

On March 4, 2014, the Federal and Provincial governments renewed their Investment in Affordable Housing (IAH) agreement for the next five years (2014-2019). The \$300 million agreement includes \$150 million each in federal and provincial government contributions. The Province will commit the joint annual funding as follows:

- \$30 million to support and enhance existing programs; and
- \$30 million towards new construction or renovations.

The overall goal of the IAH is to reduce the number of Canadians in housing need by improving access to affordable housing.

sound, suitable and sustainable through:

- Increasing the supply of affordable housing, through new construction or conversions and homeownership or rentals;
- Improving housing affordability, through rent supplements, shelter allowances, or homeownership assistance;
- Improving and preserving the quality of affordable housing: renovation of existing affordable housing
- Fostering safe independent living, including new housing construction, housing modifications and renovations that extend independent living for seniors and persons with disabilities, and victims of family violence.

Programs funded under the IAH between 2011 and 2014 include:

Home Adaptations for Independent Living (HAFI), which provides financial assistance of up to \$20,000 per home to finance accessibility modifications in their home.

The Aboriginal Housing Initiative (AHI), which creates affordable housing for Aboriginal households in need in British Columbia.

Capital funding of more than \$155 million to build more than 600 new units of affordable rental housing for families, seniors and individuals across the province.

For information on the Investment in Affordable Housing: <http://www.cmhc.ca/en/inpr/afhoce/fuafho/lah/index.cfm>

**Media Contact:**

Fergus McCann  
BC Housing  
778 452-6445

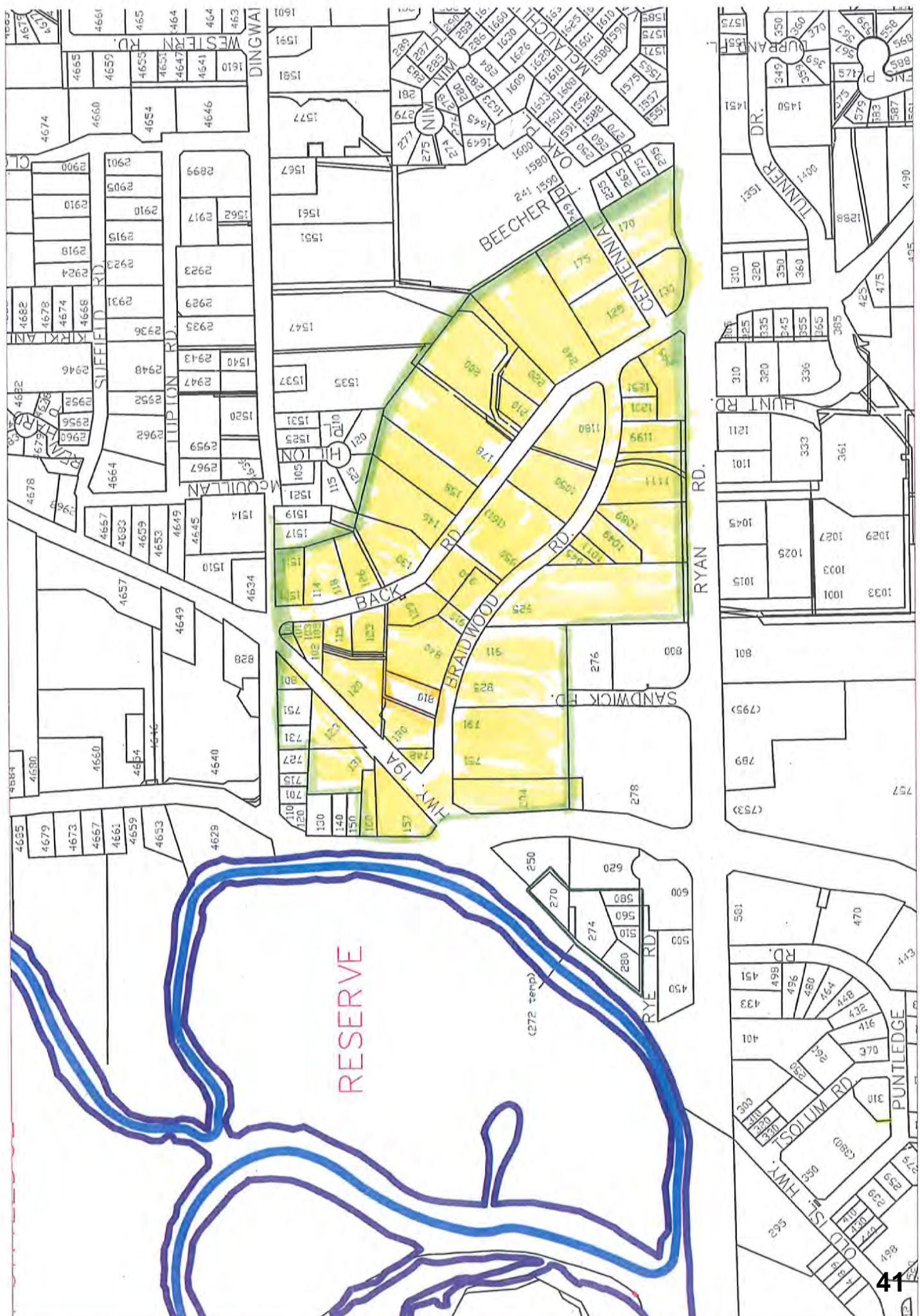
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**HOUSING MATTERS**  
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CITY OF COURtenay  
MEETING WITH MLA AND BC HOUSING  
Council Chambers, Friday, July 25, 2014, 2PM  
DRAFT NOTES

Present:

Major Larry Jangula  
MLA Don McRae  
CAO David Allen  
BCH Regional Director, Danna Locke  
BCH Senior Project Officer, Donna Money  
John Jessup, Social Planning Consultant

NOTES

1. Economic Rent, Market Rent and Shelter Allowance

It is important to distinguish between economic rent, market rent and the Shelter Allowance.

Economic rent is the sum of all costs divided by the number of units in the building. This includes mortgage principal and interest payments as well as all operating costs.

Market rent is the market rent for the type and size of unit in the building for that particular market area. Sometimes we refer to high end of market and low end of market which are the upper and lower range of market rents for a particular type and size of unit. Other times we refer to average or median rent.

The shelter allowance is the shelter portion of income assistance in British Columbia for the type and size of household occupying the unit. For a single person, this is \$375 per month. Sometimes we refer to this category of rents as Rent Geared to Income (RGI) rents where rent is based on 30% of tenant gross monthly income.

The important idea to appreciate is that for new construction housing projects, whether market or non-market, economic rent is significantly higher than market rent. For example, economic rent for a new 20 unit one-bedroom housing project in Nanaimo could be as high as \$1,300 per unit per month. Average market rent for the same unit could be about \$650 per unit per month. Thus, even in the absence of provision of support services, the gap between economic rent and market rent, for a 20 unit project, is \$650 per unit per month or a total of \$13,000 per month or \$156,000 per year.

This question is, therefore, in the absence of operating subsidies, how much of the capital cost of a project can be carried in order for the project owner, market or non-market, private or non-profit, to break even the day the project opens its doors for occupancy? The answer is somewhere between 25% and 40% only. The majority of the capital costs must be covered either by owner equity or capital grants.

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2. Subsidies: Capital, Operating and Rent Supplements

There are only two kinds of subsidies: capital and operating subsidies.

A capital subsidy is a one-time, lump sum payment made prior to IAD (Interest Adjustment Date when the amount of the take-out mortgage is determined). It has the effect of reducing the mortgage principal and hence monthly P & I (mortgage principal and interest) payments which are part of economic rent.

An operating subsidy is an on-going usually monthly subsidy which has the effect of increasing rental revenues with a view to ensuring that the sum total of rents plus operating subsidy equals economic rent, i.e. that the project is operating on a break-even basis, usually with a modest surplus to cover vacancy losses and unexpected contingencies.

Rent supplements bridge the gap between a low to moderate income tenants' shelter allowance and market rent. For example, a single person on welfare qualifies for a maximum shelter allowance of \$375 per month. A rent supplement, theoretically, fills the gap between the shelter allowance and market rent. If average market rent for a studio unit was \$500 per month, the rent supplement, again, theoretically would be \$125 per month. This would ensure that the tenant was able to pay market rent for the studio unit.

I say theoretical because there are currently only two rent supplements available from BC Housing: SAFER and RAP rent supplements. SAFER stands for Shelter Aid for Elderly Renters. It helps seniors over 60 years of age with a rent supplement to cover the difference between 30% of gross monthly income and deemed market rent. RAP stands for (Family) Rental Assistance Program and works approximately the same way for low income families, either married couples or families with children. The gap in rent supplements is for low income single people under 60 years, particularly those suffering from a disability like many homeless people.

VIHA provides rent supplements to low income clients suffering from disabilities: mental health and substance use, as well as physical disabilities.

BC Housing is considered an HPP, Homeless Prevention Program, for low income single people under 60 years. But this is only in the planning stages and details are not currently available.

3. BC Housing and CMHC Programs: Non-Profits must Adapt to the Times

The former PHI, Provincial Homelessness Initiative, program is over (in my opinion). Most projects during the last phase of the program were committed through MOU's with municipalities in the years

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2007, 2008 and 2009. Even if Courtenay had entered into an MOU agreement on the Cliff Avenue project with BC Housing prior to the last municipal election, a unit allocation would probably have been possible. But for a variety of reasons, this did not happen and the opportunity was lost.

However, the non-profit sector is amazingly vibrant and innovative in adapting housing proposals to the programs which are available. During the 90's, the Homes BC program was delivered by BC Housing and a wide variety of projects were developed ranging from LIUS (Low Income Urban Singles) in downtown areas to low to moderate income families in more suburban areas. In the early years of this century, ILBC (Independent Living BC) was delivered by BC Housing and the regional health authorities. And, most recently the PHI program was delivered by BC Housing.

In each program, the focus and purpose has been different and the type and amount of subsidies available have varied.

Currently, there is no official BC Housing program which provides in a single commitment both the deep operating subsidies required to house homeless people with support and the financing required to plan, build and operate the project.

**4. Existing Resources verses New Housing and New Staff**

Mayor Jangula made a good point about wanting to add to the existing stock of affordable housing through the supply of new social housing. As opposed to purchasing existing market rental apartments which in one sense is merely converting their use from private market rental to non-profit affordable rental, rather than adding to the existing stock of affordable housing.

However, the point which BC Housing made and which I believe is valid is that this strategy protects the affordable rental stock. Better older rental buildings are often converted to strata title units. Some older buildings are alternatively demolished to make way for new strata title units. Few developers want to build market rental housing because it forces them to postpone profit-taking and requires a long term investment in owner equity.

Further, existing hotels and motels are another opportunity that if converted to non-profit rental apartments does add to the net stock of affordable housing and has the additional advantage that there are no monthly tenancies and the buildings once renovated can house immediately the targeted tenant group.

**5. Housing Subsidies verses Support Services Subsidies**

The PHI program operating agreements with non-profit housing providers had two parts: (1) housing costs, and (2) support services agreements. This breakdown is instructive. It acknowledges that even

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without support services, there is a gap between economic rent (the total cost of operating the project, including mortgage principal and interest payments) and the \$375 rent that most homeless people can afford to pay (the maximum shelter allowance for single persons).

So, without housing cost subsidies from BC Housing, the only way that the gap between economic rent and the maximum shelter allowance can be reduced and/or eliminated is through capital grants. This can take the form of free land, forgiveness of development fees and charges (particularly DCC's), capital grants from CMHC, BC Housing and private foundations, municipal forgiveness of property taxes (even for the first 10 years), and sponsor equity. Operational innovations such as live-in building managers and perhaps live-in support workers could also help bridge the gap between economic rent and project revenues.

We were probably spoilt with the PHI program where BC Housing was the single source of both housing cost and support services subsidies. Now, at least until a new program is introduced, there are no operating subsidies available from BC Housing. And, BC Housing is only in a position to provide modest capital grants, say up to \$1 million per project, and rent supplements directly to the tenants, now the project. Note that currently only low income families and seniors are eligible for rent supplements. However, there is the possibility that soon these rent supplements may be extended to single people under 60 years through a new rent supplement program called the Homelessness Prevention Program or HPP for short.

It should also be noted that BC Housing is also able to act as a bank and through the CPI (Community Partnership Initiative) Program provide PDF (Proposal Development Funding), interim financing for construction, and a CMHC guaranteed take out mortgage. This is no small help. And, is provisional upon the non-profit housing provider developing a sound business plan to operate the project on a long term breakeven basis.

#### 6. Braidwood Road Site RFP

Given this, the terms of reference of the RFP for the City-owned Braidwood Road site, should be revised to reflect the new reality.

I think Council has two options.

##### Option 1: Stay the Course as Much as Possible

Focus on housing for the working poor and homeless people who are capable of living independently with little or no support. This would still be what we call RGI (Rent Geared to Income) housing where tenants pay 30% of their gross monthly income towards rent or the maximum shelter allowance if on welfare.

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Option 2: Affordable Housing for a Wide Range of in-need and at-risk Tenants

This would allow any and all groups to submit proposals. Given the challenge of making a new construction project work, and the innovative approaches that non-profit housing providers would have to make in order to provide a sound business plan, this may be the preferred option. Housing for families with children and seniors come to mind because, these are tenant groups that are eligible for rent supplements from BC Housing.





THE CORPORATION OF THE CITY OF COURtenAY  
**STAFF REPORT**

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Downtown Land Use Viability Review

**File No.:** 3360-20-1402  
**Date:** September 2, 2014

**PURPOSE:**

The purpose of this report is for Council to consider amendments to the City of Courtenay Zoning Bylaw No. 2500, 2007 pertaining to the provisions in the Commercial One zone (C-1) and downtown land use regulations in general.

**POLICY ANALYSIS:**

"Downtown Viability: Civic Options" is Council's number 5 strategic priority for 2014.

**CAO RECOMMENDATIONS:**

That based on the September 2nd 2014 staff report "Downtown Land Use Viability Review," Zoning Amendment Bylaw No 2803 proceed to First and Second Readings; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2803, 2014 on September 15th, 2014 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

A review of the Downtown land uses was identified in the Council Strategic Priorities Chart adopted in September 2013. Following this direction, staff has reviewed the provisions of the Commercial One Zone (C-1).

**DISCUSSION:**

At the August 5<sup>th</sup> 2014 regular Council meeting staff presented a report outlining a number of proposed zoning changes as a first step in a Downtown land use review. Following review of the report, Council directed staff to proceed with preparation of the bylaw amendments. This report brings forward the bylaw for consideration of First and Second Readings.

#### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications with preparation of the proposed bylaw changes. However, should Council wish to pursue a detailed downtown plan a consultant will likely be required, and budget prepared for approval.

#### **ADMINISTRATIVE IMPLICATIONS:**

The objective of the proposed amendments is to assist in the redevelopment of the downtown. The preparation of the reports and bylaw has taken approximately 20 hours of staff time.

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

In the Council Strategic Priorities Chart, the review of Downtown Land Uses is listed as the number five 2014 Council priority, and the number two priority for the Development Services Department.

#### **OFFICIAL COMMUNITY PLAN REFERENCE:**

Vision:

- a strong downtown
- a role to be the centre of commerce for the Comox Valley

Goals:

Preserve and protect downtown Courtenay as an integrated part of the community's social and cultural life, its identity, and economy.

- encouraging residential development downtown
- encourage higher density development and housing in the downtown
- promote a mix of multi-residential and commercial uses
- add the following uses:
  - craft and industry with wholesale and retail uses
  - beer/wine making facility
  - studios (artists, performing arts)
  - small scale manufacturing

#### **REGIONAL GROWTH STRATEGY REFERENCE:**

- support for intensification and compact growth
- supports Town Centres for regional employment centre
- recognises Courtenay as the largest urban centre and should support the highest densities in the Comox Valley

#### **CITIZEN/PUBLIC ENGAGEMENT:**

A copy of the bylaw will be available on the City website and at City Hall for public review. Additionally, a copy of the bylaw has been forwarded to the DCBIA for comment. Initial DCBIA feedback has been positive and any formal correspondence from them or the general public will be made available prior to the public hearing.

#### **OPTIONS:**

**OPTION 1:** (Recommended): Give Bylaw 2803 First and Second Readings and proceed to Public Hearing.

**OPTION 2:** Defer consideration of Bylaws 2803 with a request for more information or amendments to the Bylaw.

**OPTION 3: Defeat Bylaws 2803.**

Prepared by:

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Ian Buck, MCIP, RPP  
Manager of Planning



Peter Crawford, MCIP, RPP  
Director of Development Services





Building a Diverse  
and Sustainable Economy

FOR IMMEDIATE RELEASE

August 19, 2014

### REGIONAL THINKING, LOCAL RESULTS: ICET ANNUAL REPORT RELEASED

COURTENAY – The newly released Island Coastal Economic Trust annual report for 2013-2014 highlights the year's results as well as the local impacts of the funding which has been disbursed to economic development projects in the region.

In 2006, the Province of BC invested \$50 million into an economic development model governed by local leaders, enabling local decision making for economic investment. To date, this fund has disbursed \$44.3 million to projects on the Island north of the Malahat and on the Sunshine Coast.

These funds have generated more than \$268 million in additional investment to the region; this means an additional \$4.7 dollars of economic development investment for every original dollar invested by the Province. It also means more than 2500 construction jobs and 2200 long term jobs, benefitting residents, businesses and even governments with increased taxation revenue. But the greatest benefit is the long term change which happens in communities due to new amenities, improved transportation, business growth and new resident and business attraction.

"The theme of this year's report is 'Regional thinking, local results', and that's an apt metaphor for how ICET has operated since its inception in 2006," said Board Chair Phil Kent. "When you look at the spin-offs from projects like the Wild Pacific Trail in Ucluelet which is now rated by TripAdvisor as the #1 attraction in all of BC, it becomes obvious that investments in economic infrastructure are catalysts for growth and change."

The annual report, available at [www.islandcoastaltrust.ca](http://www.islandcoastaltrust.ca), also profiles the Trust's newest endeavour: the Economic Development Readiness Program. The EDRP was fully subscribed last year and is helping communities reinvent their economies with funding support for strategic planning, collaborative marketing efforts, and development of new investment-attraction tools.

The report features stories about the wide range of projects and programs that have been funded by ICET, focusing on their real-world impacts and outcomes.

"In all of the projects we fund, there's a great 'human' story to be told," explained ICET CEO Line Robert. "When, through a chance meeting, the owners of a local business tell me that our investment in the Fanny Bay Wharf 'changed their business overnight', we know that we're on the right track."

In addition to the release of the annual report, ICET is also officially launching their completely redesigned website.

The new site features user-friendly features, with easy-to-navigate sections that highlight ICET programs, as well as summaries and photos of projects completed to date. The site also features detailed economic analysis and an ‘economic dashboard’ that provides valuable, plain-language information on key factors regarding the region’s economic well-being.

“The project summaries are a great tool for organizations considering applying to ICET for project funding,” said Robert. “They provide a basic ‘roadmap’ that explains what we fund and why, and also serve as best practices examples for potential applicants.”

With more than \$4M remaining to allocate to new projects, applicants are encouraged to visit the new [www.islandcoastaltrust.ca](http://www.islandcoastaltrust.ca) site to learn more and apply. Applications for Economic Infrastructure Funding are due by September 19 for the North Island and Sunshine Coast region, and by October 10 for the Central/South Island region. Applications for the Economic Development Readiness Program are accepted on an on-going basis.

### **About the Island Coastal Economic Trust**

The Island Coastal Economic Trust is a \$50 million endowment established in 2006 by the Government of British Columbia to help diversify the economies of central and northern Vancouver Island and the Sunshine Coast.

ICET is guided by a Board of Directors and two Regional Advisory Committees which include more than 50 locally elected officials and MLAs and five appointees. This exceptional team of leaders collaborates to set regional priorities and build vital multi-regional networks.

Through a community-centred decision-making process, ICET has approved \$47.6 million for over 125 economic infrastructure and economic development readiness projects on the Island and Sunshine Coast since implementing its grant program in 2007. ICET investments have leveraged \$268 million in incremental funding into the region.

A full overview of ICET can be found at [www.islandcoastaltrust.ca](http://www.islandcoastaltrust.ca)

-end-

#### **For further information:**

Line Robert, ICET CEO  
Tel. 250-871-7797, ext. 227  
[line.robert@islandcoastaltrust.ca](mailto:line.robert@islandcoastaltrust.ca)

Mayor Phil Kent, ICET Chair  
City of Duncan  
Tel. 250-709-0186  
[mayor@duncan.ca](mailto:mayor@duncan.ca)



FOR  
INFO

Ref: 156222

August 9, 2014

His Worship Mayor Larry Jangula  
and Members of Council  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Mayor Jangula and Councillors:

On behalf of the joint Provincial-Union of BC Municipalities (UBCM) Green Communities Committee (GCC), we would like to extend our congratulations for your successful efforts to measure and reduce your corporate greenhouse gas emissions for the 2013 reporting year.

As a signatory to the Climate Action Charter (Charter), you have demonstrated your commitment to work with the Province and UBCM to take action on climate change and to reduce greenhouse gas emissions in your community and corporate operations.

Climate change is a global challenge. The work that your local government has undertaken to measure and reduce its corporate emissions demonstrates strong climate leadership and sets the stage for broader climate action in your community. This leadership and commitment is essential to ensuring the achievement of our collective climate action goals.

As you are likely aware, the GCC was established under the Charter to support local governments in achieving their climate goals. In acknowledgement of the efforts of local leaders, the GCC is again recognizing the progress and achievements of local governments such as yours through the multi-level Climate Action Recognition Program. A description of this program is attached to this letter for your reference.

As a Charter signatory who has completed a corporate carbon inventory for the 2013 reporting year and has demonstrated familiarity with the Community Energy and Emissions Inventory, you have been awarded Level 2 recognition – ‘Measurement.’

In recognition of your achievements, the GCC is very pleased to provide you with ‘green communities’ branding for use on official websites and letter heads. An electronic file with the 2013 logo will be provided to your Chief Administrative Officer. Also included with this letter is a 2013 Green Communities window decal, for use on public buildings.

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His Worship Mayor Larry Jangula and Members of Council

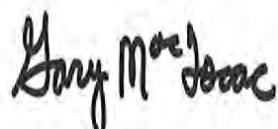
Page 2

Congratulations again on establishing your corporate emissions inventory and your overall progress. We wish you continued success in your ongoing commitment to the goal of corporate carbon neutrality and your efforts to reduce emissions in the broader community.

Sincerely,



Jay Schlosar  
Assistant Deputy Minister  
Local Government Division



Gary MacIsaac  
Executive Director  
Union of British Columbia Municipalities

Enclosures



## GCC Communiqué on the Climate Action Recognition Program

In acknowledgment of the ongoing efforts of local leaders, the joint Provincial-UBCM Green Communities Committee (GCC) is pleased to be continuing the **Climate Action Recognition Program** for BC local governments for the 2013 reporting year. This is a multi-level program that provides the GCC with an opportunity to review and publicly recognize the progress and achievements of each *Charter* signatory.

Recognition is provided on an annual basis to local governments who demonstrate progress on their *Charter* commitments, according to the following:

### *Level 1: Progress on Charter Commitments*

All local governments who demonstrate progress on fulfilling one or more of their *Charter* commitments will receive a letter from the GCC acknowledging their accomplishments.

### *Level 2: Measurement*

Local governments who have completed a corporate carbon inventory for the reporting year and demonstrate that they are familiar with the Community Energy and Emissions Inventory (CEEI) will receive a 'Climate Action Community 2013' logo, for use on websites, letter head and similar.

### *Level 3: Achievement of Carbon Neutrality*

Local governments who achieve carbon neutrality in the reporting year will receive a 'Climate Action Community – Carbon Neutral 2013' logo, for use on websites, letter head and similar.

To be eligible for this program, local governments will need to complete a Climate Action Revenue Incentive Program (CARIP)/Carbon Neutral Progress Report and submit it to the Province in accordance with the program guidelines. Determination of the level of recognition that each community will receive will be based on the information included in each community's annual CARIP report. Additional information on CARIP reporting is available online at: [www.cscd.gov.bc.ca/lgd/greencommunities/carip.htm](http://www.cscd.gov.bc.ca/lgd/greencommunities/carip.htm).



## BC CLIMATE ACTION COMMUNITY 2013



# THE CORPORATION OF THE CITY OF COURtenay

## BYLAW NO. 2803

### A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as "**Zoning Amendment Bylaw No. 2803, 2014**".
2. That Division 3 Interpretation – Part 1 Definitions be hereby amended as follows:

- (a) by adding the following:

*'Cultural Facility'* means a museum, art gallery, library or theatre for the performing arts.

*'Farmers Market'* means the temporary use of buildings, structures or land for the purpose of selling agricultural products, crafts and liquor and ancillary food concessions and entertainment.

- (b) by removing the definition for '*care facility*' and replaced with the following:

*'Care facility'* means a use or facility in which food, lodging and care or supervision is provided, with or without charge, to persons unrelated to the operator of the facility, who on account of age, infirmity, physical or mental disability, require special care.

- (c) by removing the definition for '*Transportation depot*' and replaced with the following:

*'Transportation Depot'* means premises used for the pick-up and discharge of fare paying, intercity and intracity bus, train and taxi passengers and may include vehicle bays and shelters and convenience retail stores.

3. That Division 8, Part 18, Commercial One Zone (C-1), Section 8.18.1, Permitted Uses be hereby amended by adding the following uses, and re-numbering this section accordingly:

- (a) Accessory buildings and structures

*Care facility*

*Carriage house*

*Cultural facility*

*Duplex dwelling*

*Farmer's Market*

*Granny flat*

*Multi residential dwellings*

*Secondary suite*

*Single residential dwelling*

*Studio*

- (b) by removing the following:

(16) *Liquor Store* permitted only on the following properties:

- Lot A, Plan VIP57166, except Plan VIP59867 (1095 Cliffe Avenue)
- Lot 1, Plan VIP51746 (315 8<sup>th</sup> Street)

and replacing with the following:

(16) *Liquor Store*

(c) by removing the following:

(19) Micro-brewing limited to 400 m<sup>2</sup> and including *accessory retail* sale of goods produced on site

and replacing with the following:

(19) Micro-brewing, distilling and U-brew/U-Vin limited to 400 m<sup>2</sup> and including accessory sales

(d) by removing the following:

(20) *Museum*

and replacing with the following:

(20) *Cultural Facility*

(e) by removing the following:

(31) *Transportation depot* and taxi stand

and replacing with the following:

(31) *Transportation depot*

(f) by removing the following:

(32) Combined commercial residential uses are permitted provided that residential units are contained within a dual use *building* and are located above *storeys* used for commercial purposes, and that no *storey* is used for both commercial and residential purposes

and replacing with the following:

(32) Combined commercial/residential uses are within the same building or in separate buildings on the same property.

4. That Division 8, Part 18, Commercial One Zone (C-1), Section 8.18.6, be amended by removing Setbacks, and Figure #6: 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Street Map and replacing with the following:

Except where otherwise specified in this bylaw there are no setback requirements in the C-1 Zone

5. That Division 8, Part 18, Commercial One Zone (C-1), Section 8.18.8, Useable Open Space be removed.

6. That Division 8, Part 18, Commercial One Zone (C-1), be amended by removing Section 8.18.9, Off Street Parking and Loading and replaced with the following:

Notwithstanding any other provisions of this bylaw, parking and loading spaces as a requirement under Division 7, shall be deemed not to apply to properties zoned Commercial One Zone (C-1) except that one parking space is required for each residential unit.

7. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 2<sup>nd</sup> day of September, 2014

Read a second time this 2<sup>nd</sup> day of September, 2014

Considered at a Public Hearing this                   day of                   , 2014

Read a third time this                   day of                   , 2014

Finally passed and adopted this                   day of                   , 2014

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Mayor

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Director of Legislative Services



## THE CORPORATION OF THE CITY OF COURtenay

### BYLAW NO. 2804

#### **A bylaw relating to nuisance and disturbances and to the care, maintenance and regulation of property within the City of Courtenay**

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

#### **DEFINITION:**

1. In this bylaw, unless the context otherwise requires:
  - (a) **Authorized Person**" includes the following:
    - (i) a member of the Royal Canadian Mounted Police;
    - (ii) a Bylaw Enforcement Officer;
    - (iii) the Director of Legislative Services and his duly authorized representatives;
    - (iv) any other peace officer.
  - (b) "**Boulevard**" means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line.
  - (c) "**City**" means the City of Courtenay.
  - (d) "**Continuous Noise**" means any noise continuing for a period of five minutes or more in any fifteen minute period.
  - (e) "**Graffiti**" means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which a permit has been issued by the municipality.
  - (f) "**Independent Sound Consultant**" means a professional engineer, licenced to practice in the Province of British Columbia, with acoustical expertise.
  - (g) "**Intersection**" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways which join one another at or approximately at right angles, or the area within which vehicles travelling on different highways joining at any other angle may come in conflict, and, for the purpose of this definition "highway does not include a lane or way less than 5 metres in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way.

- (h) **“Noise”** includes any loud outcry, clamour, shouting, disturbance or movement or any sound that is loud or harsh or undesirable.
- (i) **“Noxious Weeds”** includes the plant lythrum salicaria (Purple Loosestrife) as well as weeds designated as noxious pursuant to the *Weed Control Act*.
- (j) **“Person”** includes any corporation, partnership or party and the personal or other legal representatives of a person, to whom the context can apply according to the law and also includes an owner, the agent of an owner, or the occupier of, or the holder of a purchaser’s interest in an Agreement for Sale, of any real or personal property within the City.
- (k) **“Real Property”** means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.
- (l) **“Roadworthy”** means, when applied to motor vehicles, capable of normal physical operation.
- (m) **“Sidewalk”** means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians.
- (n) **“Unsightly”** includes dirt, gravel, bark mulch or refuse and all discarded, broken or useless items and without restricting the generality of the foregoing, includes old paper or wood products no longer in use or motor vehicles that are no longer roadworthy or parts thereof, and:
  - (i) The storage of building materials on a site where the owner or occupier of the property is not in possession of a valid City building permit.
  - (ii) The storage, cleaning, repairing or servicing of motor vehicles, hauling or construction equipment except where the same is carried out entirely within a building.
  - (iii) Accumulation on residential property of any goods or merchandise which is offered or intended to be offered for sale.

## **GRAFFITI, RUBBISH AND LITTER CONTROL**

- 2. (a) No person shall cause or permit stagnant water, rubbish, or any noxious, offensive, or unwholesome matter or substance to collect, or accumulate on or around his real property.
- (b) No person shall deposit or throw bottles, broken glass, or other rubbish, in any open place within the City.
- (c) No person shall place graffiti on walls, fences or elsewhere on or adjacent to private property or a public place in the City.

## **UNSIGHTLY PREMISES**

3. (a) No owner or occupier of real property shall allow such property to become or to remain unsightly by the accumulation thereon of any filth, discarded materials, rubbish or graffiti of any kind.
- (b) An owner or occupier of real property shall forthwith, upon receipt of notice given pursuant to this bylaw, remove all accumulation of filth, discarded materials, rubbish or graffiti.
- (c) Where an owner or occupier of real property fails to comply with a requirement for removal referred to in subsection (b) above, the City by its employees or other persons, at reasonable times and in a reasonable manner, shall enter on the property and effect the removal at the expense of the person who has failed to comply, and that where a person at whose expense removal is carried out does not pay the cost of removal on or before December 31<sup>st</sup> in the year that the removal was done, the cost shall be added to and form part of the taxes payable on the property as taxes in arrears.
- (d) It shall be a good and sufficient defence to any prosecution commenced for violations of paragraph 3(a) hereof, for an owner or occupier of any commercial real property to prove that the storage of materials or the accumulation and storage of unroadworthy motor vehicles or parts thereof, is an essential part of a legally licensed business carried on at that real property.

## **NOXIOUS WEEDS OR INSECT INFESTATION:**

4. An owner or occupier of real property shall:
  - (i) keep such property clear of noxious weeds, wild grass and other untended growth; and
  - (ii) prevent infestation by caterpillars and other noxious or destructive insects, and clear such property of caterpillars and other noxious or destructive insects.

## **NOISE**

5. (a) No person shall, make, cause or allow or permit to be made or caused, any noise or sounds in or on a highway or elsewhere in the City which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of one or more persons in the vicinity.
- (b) No person shall, before 7:00 a.m. on any day from Monday to Saturday when such day is not a Statutory Holiday, or before 8:00 a.m. on any Sunday or Statutory Holiday, and after 10:00 p.m. on any day, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land

in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.

- | (c) No person shall, before 87:00 a.m. and after 10:00 p.m. on any day, use or operate any power gardening tool or other power tool or machine.
- (d) No person shall keep or harbour any animal or bird which disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood by its repeated making of noise.
- (e) No person shall feed pigeons on or about private property and no person shall keep pigeons.
- (f) No person shall play or operate any radio, stereophonic equipment, outdoor public address system or other instrument or apparatus for the production or amplification of sound either in or on private premises or any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.
- (g) Where it is impossible or impractical to comply with this section, the Council may upon application, give written approval to carry on work that is found to be necessary during designated hours.

Responsibility for obtaining written approval lies with the person carrying on the work.

- (h) No person shall operate any outdoor public address system in the City without first having obtained permission in writing.
- (i) Section 5 does not apply to:
  - (i) any act of repair or maintenance being carried out by employees of contractors of the City, the Ministry of Transportation and Infrastructure or its contractors, or any public utility;
  - (ii) any duly authorized person operating an emergency vehicle or the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly used as a danger or warning signal;
  - (iii) emergency repairs to buildings, which cannot reasonably be delayed to normal working hours;
  - (iv) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;

- (v) any garbage collection service between the hours of 7:00 a.m. and 8:00 p.m. on each day except Sunday;
  - (vi) any parade, procession, performance, concert, ceremony, gathering or meeting in or on any street, or public place, when duly authorized or permitted under the provisions of any bylaw, statute or ordinance in force in the City;
  - (vii) snow clearing; and
  - (viii) any person functioning within the limits imposed by a permit issued by the City, including a Special Event Permit.
6. No person shall create a nuisance to any person who contends their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference.
  7. It shall be a good and sufficient defence to any prosecution commenced for a violation of paragraph 5(b) and paragraph 6, hereof for an owner or occupier of any commercial establishment, including shopping malls, with areas provided for the parking of that general public with a total capacity in excess of 50 parking spaces to establish that:
    - (a) The noise or sounds complained of were made in the course of snow clearing or dust clearing operations in the parking areas;
    - (b) That the snow clearing or dust cleaning operations were commenced as soon as practicable after the close of business for the day; and
    - (c) That the snow clearing or dust cleaning was conducted in such manner as to minimize the disturbance of the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of neighbouring residential properties.

#### | **COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL OPERATIONS**

8. Every owner, occupier or operator of an industrial or commercial business or institutional operation which generates a Continuous Noise of a level that disturbs the occupants of the neighbourhood or persons in the vicinity shall, at the request of the City, supply the City with:
  - (a) a report prepared by an Independent Sound Consultant recommending methods to abate the noise; and
  - (b) a letter of certification sealed by the Independent Sound Consultant that the recommended abatement methods have been fully implemented.

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## **SIDEWALK CLEANLINESS**

9. Every owner or occupier of real property within the City shall keep any sidewalk adjoining such real property in a proper state of cleanliness, and shall not place rubbish from the sidewalk onto any highway in the City.

## **ROOF SNOW REMOVAL**

10. As owner or occupier of real property shall remove snow, ice and rubbish from any roof or other part of any structure therein adjacent to any portion of any highway if the snow, ice or rubbish constitutes a hazard to persons or property.

## **FENCES**

11. (a) In any zone, where an owner or occupier of property adjacent to a highway has erected a fence adjacent to that highway, the owner or occupier shall not allow that fence to fall into a state of disrepair.
- (b) An owner or occupier of real property whose fence erected adjacent to a highway has fallen into a state of disrepair shall repair it forthwith upon a receipt of notice given pursuant to this bylaw.
- (c) In every zone where the keeping of livestock is permitted, every owner or occupier of real property abutting upon any highway shall forthwith, upon receipt of notice given pursuant to this bylaw, erect fences along the boundary of that property abutting on the highway for the purpose of preventing his livestock from straying upon said highway.

## **BOULEVARDS/SIDEWALKS**

12. (a) No person shall willfully damage:
- (i) any boulevard, trees, shrubs, plants, bushes or hedge adjacent to any highway;
  - (iii) anything erected or maintained adjacent to a highway for the purpose of lighting the highway; and
  - (iv) any fence erected or maintained adjacent to any highway.
13. Owners or occupiers of real property shall maintain boulevards to the following standards:
- (a) keep free of noxious weeds;
  - (b) keep grass trimmed; and
  - (c) keep shrubs and trees from overhanging pedestrian walkways so as not to interfere with pedestrian and vehicular traffic.

## **VISION CLEARANCE**

14. No person who owns or occupies real property located at any intersection, shall place or permit to be or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding .46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.87 feet) from the point of intersection, between an elevation such that an eye 1 to 2.4 metres (3.28 feet to 7.87 feet) above the surface elevation of one road, cannot see an object 1 to 2.4 metres (3.28 feet to 7.87 feet) above the surface of the other road.

## **STREET SIGNS**

15. No person shall remove, deface or damage any street name sign or any other sign or marker erected upon any highway by or at the direction of the City.

## **HAZARDOUS TREES AND SHRUBS**

16. (a) If in the opinion of the City, any trees, hedges, bushes or shrubs growing or standing on any real property are:
  - (i) a hazard to the safety of persons;
  - (ii) likely to damage public property; or
  - (iii) seriously inconveniencing the public

the City may order such trees, hedges, bushes or shrubs to be trimmed, removed or cut down at the expense of the owners or occupiers of real property on which they grow or stand.

- (b) Before proceeding to exercise the powers conferred by subsection (a), the City shall give notice in writing, by registered mail or personal delivery to the most recent address shown on the current assessment roll requiring the owner or occupier of the lands to remove, cut down, or trim the trees, shrubs, hedges or bushes designated in the notice within fourteen (14) days from date thereof.
- (c) If the City is unable to serve the owner or occupier of real property with the notice under subsection (b), the City may apply to the Supreme Court for an order to serve the notice by substituted service.
- (d) If the person given notice does not take the required action within the time period referred to in subsection (b), the City by its employees or others, may enter the real property and effect that action at the expense of the person given notice.
- (e) If the person referred to in subsection (d) does not pay the costs of the action under that subsection on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrears.

## **HOUSE NUMBERING**

17. All owners and occupiers of buildings shall display in a conspicuous place on the property on which the building is located, the street number assigned by the City to such building so that the same is readable from the highway.

## **DEMOLITION SITES**

18. On any property where the demolition of any building or structure has taken place:
  - (a) all debris and material whether to be discarded or retained shall be removed forthwith;
  - (b) any basement or other excavation shall be filled in or covered over to lot grade level forthwith.

## **RIGHT OF ENTRY**

19. An authorized person may at all reasonable times, enter upon any property in the City of Courtenay in order to ascertain whether the regulations contained within this bylaw are being obeyed.

## **NOTICES**

20. Any notice to be given to this bylaw may be given by an authorized person and shall be sufficiently delivered if personally served upon a person apparently aged 16 years or more and apparently occupying the real property affected by such notice, or if sent to the owner of the real property by double registered mail to his address appearing upon the last revised assessment roll. All notices hereunder shall be in the form of a letter or shall be in such other forms as the Council may from time to time approve by resolution.

## **FAILURE TO COMPLY**

21. If, after receipt of a notice hereunder excluding notification with regard to snow and ice, the work required to be performed by such notice remains either wholly or partially incomplete, the City may, by its workmen or by any other means it deems fit, enter upon the real property affected by such notice and perform or complete such work at the expense of the owner of such property. The cost incurred by the City in any exercise of its powers hereunder, shall, if not paid by the 31<sup>st</sup> day of December in the year in which they were incurred, be added to and form a part of the taxes payable in respect of that real property as taxes in arrears.

## **ENFORCEMENT AND PENALTIES**

22. This Bylaw is designated under Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.
23. Peace Officers, Bylaw Enforcement Officers, Building Inspectors and the Director of Legislative Services are designated to enforce this bylaw by means of a Municipal Ticket Information under Section 264 of the *Community Charter*.
24. A person or persons who contravenes, violates or fails to comply with any provision of this bylaw, or who suffer or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia) as amended from time to time. Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.
25. If any section or provision of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder of the bylaw shall not be affected.
26. This bylaw shall come into full force and effect upon final adoption.
27. Prevention of Public Nuisances Bylaw No. 1798, 1994 is hereby repealed.
28. This bylaw may be cited for all purposes as "Prevention of Public Nuisances Bylaw No. 2804, 2014.

Read first time on this 2<sup>nd</sup> day of September, 2014

Read a second time on this 2<sup>nd</sup> day of September, 2014

Read a third time on this 2<sup>nd</sup> day of September, 2014

Finally passed and adopted on this    day of

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Mayor

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Director of Legislative Services

