



**REGULAR MEETING OF COUNCIL**  
**Tuesday, November 24, 2020 @ 3:30 PM**  
**George Fraser Room, Ucluelet Community Centre,**  
**500 Matterson Drive, Ucluelet**

**AGENDA**

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1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY	
<p>Council would like to acknowledge the Yuułu?iŋ?ath First Nation, on whose traditional territories the District of Ucluelet operates.</p>	
3. NOTICE OF VIDEO RECORDING	
<p>Audience members and delegates are advised that this proceeding is being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.</p>	
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- 12.3 Councillor Jennifer Hoar  
*Deputy Mayor July - September 2020*
- 12.4 Councillor Rachelle Cole  
*Deputy Mayor October - December 2020*
- 12.5 Mayor Mayco Noël
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15. OTHER BUSINESS
16. QUESTION PERIOD
17. CLOSED SESSION
18. ADJOURNMENT

**DISTRICT OF UCLUELET**  
**MINUTES OF THE SPECIAL COUNCIL MEETING**  
**HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE**  
**Tuesday, October 27, 2020 at 3:00 PM**

Present:       **Chair:**           Mayor Noël  
                  **Council:**       Councillors Cole, Hoar, and McEwen  
                  **Staff:**           Mark Boysen, Chief Administrative Officer  
                          Donna Monteith, Chief Financial Officer  
                          Bruce Greig, Manager of Community Planning  
                          Joseph Rotenberg, Manager of Corporate Services  
                          Nicole Morin, Corporate / Planning Clerk

Regrets:       Councillor Kemp

**1. CALL TO ORDER**

The meeting was called to order at 3:00 PM.

**2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY**

Council acknowledged the Yuułu?i?ath First Nation, on whose traditional territories the District of Ucluelet operates.

**3. NOTICE OF VIDEO RECORDING**

Audience members and delegates were advised that the proceeding was being video recorded and broadcast on YouTube.

**4. ADDITIONS TO AGENDA**

There were no additions to the agenda.

**5. APPROVAL OF AGENDA**

**5.1 October 27, 2020 Special Council Meeting Agenda.**

2020.058.SPECIAL   **It was moved by Councillor Cole and seconded by Councillor McEwen**  
                          ***THAT Council approve the October 27, 2020 Council Meeting Agenda as presented.***

CARRIED.

**6. CLOSED SESSION**

*Procedural Motion to Move In-Camera:*

**THAT** the meeting be closed to the public in order to address agenda items under Section 90(1)(e) and (i) of the *Community Charter*.

**6.1 Procedural Motion to Move In- Camera**

2020.059.SPECIAL **It was moved by Councillor Hoar and seconded by Councillor McEwen**  
***THAT the meeting be closed to the public in order to address agenda items***  
***under Section 90(1)(e) and (i) of the Community Charter.***

CARRIED.

**7. ADJOURNMENT**

The meeting was adjourned at 3:25 PM.

**CERTIFIED CORRECT:** Minutes of the Special Council Meeting  
held on Tuesday, October 27, 2020 at 3:00 pm in the George  
Fraser Room, Ucluelet Community Centre 500 Matterson Road,  
Ucluelet, BC.

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Mayco Noël  
Mayor

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Mark Boysen  
CAO



**DISTRICT OF UCLUELET**  
**MINUTES OF THE REGULAR COUNCIL MEETING**  
**HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE**  
**Tuesday, October 27, 2020 at 3:30 PM**

Present:       **Chair:**           Mayor Noël  
                  **Council:**       Councillors Cole, Hoar, and McEwen  
                  **Staff:**           Mark Boysen, Chief Administrative Officer  
                          Donna Monteith, Chief Financial Officer (Attending via Zoom)  
                          Bruce Greig, Manager of Community Planning (Attending via Zoom)  
                          Brent Ashton, Bylaw Officer (Attending via Zoom)  
                          Joseph Rotenberg, Manager of Corporate Services  
                          Nicole Morin, Corporate / Planning Clerk

Regrets:       Councillor Kemp

**1. CALL TO ORDER**

The meeting was called to order at 3:37 PM.

**2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY**

Council acknowledged the Yuułu?i?ath First Nation, on whose traditional territories the District of Ucluelet operates.

**3. NOTICE OF VIDEO RECORDING**

Audience members and delegates were advised that the meeting was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

**4. ADDITIONS TO AGENDA**

There were no additions to the agenda.

**5. APPROVAL OF AGENDA**

**5.1 October 27, 2020 Regular Council Meeting.**

2020.206.REGULAR   **It was moved by Councillor McEwen and seconded by Councillor Hoar**  
                                  ***THAT Council approve the October 27, 2020 Regular Council Meeting Agenda***  
                                  ***as presented.***

CARRIED.

**6. ADOPTION OF MINUTES**

**6.1 October 13, 2020 Special Minutes**

2020.207.REGULAR   **It was moved by Councillor Hoar and seconded by Councillor McEwen**

***THAT** Council adopt the October 13 Special Council Minutes as presented.*

CARRIED.

## 6.2 October 13, 2020 Regular Minutes

Council noted the following errors or omissions:

- Page 3 of the minutes should read "...to enact single-use plastic items regulation..." not "...to enact single-use item regulation...."
- Council noted that there was a typo in the resolution recommended in a report that was received in closed session which led to an error when Council Rose and Reported a motion made in that closed session under Item 15.2., on page 13 of the minutes. Resolution 1. should read **THAT**, due to evidence of non-compliance with District of Ucluelet Zoning Bylaw No. 1160, 2013..." not "**THAT** due to evidence of non-compliance with District of Ucluelet Zoning Bylaw No. 1309, 2013...."

2020.208.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**

***THAT** Council adopt the October 13 Regular Council Minutes as amended.*

CARRIED.

## 7. UNFINISHED BUSINESS

There was no unfinished business.

## 8. MAYOR'S ANNOUNCEMENTS

The Mayor reminded residents to practice COVID-19 Halloween precautions and noted the new health order related to gatherings in private residences.

## 9. PUBLIC INPUT & DELEGATIONS

9.1 Public Input

There was no public input.

## 10. CORRESPONDENCE

### 10.1 92nd BC Youth Parliament Session

***Rhonda Vanderfluit, Registrar, Youth Parliament of BC Alumni Society***

2020.209.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**

***THAT** Council direct Staff to refer the letter from Rhonda Vanderfluit regarding the "92nd BC Youth Parliament Session" to the Ucluelet Secondary School administrators.*

CARRIED.

### 10.2 Let's Talk Parks, Canada!

***Pacific Rim National Park Reserve***

**11. INFORMATION ITEMS**

There were no information items.

**12. COUNCIL COMMITTEE REPORTS**

**12.1 Councillor Marilyn McEwen**  
***Deputy Mayor January - March 2020***

- October 20 - Attended Committee of the Whole - Societies meeting.
- October 23 - Attended Strategic Planning - mid-term check-up.
- Will attend VIEA State of the Island Summit from October 27th to the 29th.

**12.2 Councillor Lara Kemp**  
***Deputy Mayor April - June 2020***

**12.3 Councillor Jennifer Hoar**  
***Deputy Mayor July - September 2020***

- October 20 - Attended Committee of the Whole - Societies meeting.
- October 23 - Attended Strategic Planning - mid-term check-up.

**12.4 Councillor Rachelle Cole**  
***Deputy Mayor October - December 2020***

- October 14 - Attended ACRD Board of Directors Meeting.
- October 20 - Attended Committee of the Whole - Societies meeting.
- October 23 - Attended Strategic Planning - mid-term check-up.
- Noted flu vaccines are or will be available at local pharmacies and through Island Health.

**12.5 Mayor Mayco Noël**

- October 20 - Attended Committee of the Whole - Societies meeting.
- October 23 - Attended Strategic Planning - mid-term check-up.

**13. REPORTS**

**13.1 Development Permit & Development Variance Permit for 1023 Tye Terrace**  
***John Towgood, Planner 1***

Bruce Greig, Manager of Community Planning, presented this report. He

explained that the proposed Development Variance Permit would allow a front yard setback of 4.5 meters, whereas the required setback is 6 meters, and a rear yard setback of 2.2 meters, where as the the required setback is 3 meters. Mr. Greig, also noted the correspondence item in the Agenda package related to this matter.

Council sought public input through Zoom, by email and from people watching the meeting in the overflow room.

There was no public input.

**2020.210.REGULAR It was moved by Councillor McEwen and seconded by Councillor Cole**

*1. THAT Council, with regard to a single unit resort condo building at 1023 Tyee Terrace (Strata Lot 19, Plan VIS4490, Section 21, Clayoquot Land District, with interest in common property), approve the following:*

*a. subject to public comment, issue Development Variance Permit DVP20-05 to allow:*

*i. a front yard setback of 4.5m whereas section CS-5.6.1 the District of Ucluelet Zoning Bylaw No. 1160, 2013, requires 6m; and,*

*ii. a rear yard setback of 2.2m whereas section CS-5.6.1 the District of Ucluelet Zoning Bylaw No. 1160, 2013, requires 3m.*

*b. issue Development Permit DP20-12 for a single unit resort condo building, associated site works, and landscaping.*

CARRIED.

**13.2 Lot 13 Marine Drive - Development Variance Permit  
Bruce Greig, Manager of Community Planning**

Mr. Greig presented this report. He noted that the subject Development Variance Permit relates to varying the minimum width of dedicated road right-of-way from on Lot 13 Marine Drive from 15 meters in width to 10 meters in width.

Council sought public input through Zoom, by email and from people watching the meeting in the overflow room. There was no public input.

**2020.211.REGULAR It was moved by Councillor Cole and seconded by Councillor McEwen**

*2. THAT Council authorize issuance of Development Variance Permit 3090-20-DVP20-02 for the proposed 33-lot affordable development on Lot 13, District Lot 283, Clayoquot Land District, Plan VIP84686 as follows:*

*a. vary the Ucluelet Subdivision Control Bylaw No. 521, 1989, to allow*

*development of a compact residential road and services within a 10m dedicated road right-of-way (instead of a 15m minimum road dedication).*

CARRIED.

**13.3 ICIP Investing in Canada Infrastructure Program - Rural and Northern Communities Grant Application**  
**Warren Cannon, Manager of Operations**

Mr. Cannon presented this report. He noted that the project aligns with the Draft Sewer Master Plan and the ICIP grant criteria.

2020.212.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**

1. **THAT** Council authorize Staff to submit a grant application to the Investing in Canada Infrastructure Program-Rural and Northern Communities to fund the Sanitary Sewer Collection System Expansion Sea Plane Base Road Area project; and

2. **THAT** Council commit to its share of any cost overruns related to the Sanitary Sewer Collection System Expansion Sea Plane Base Road Area project.

CARRIED.

**13.4 Hearing on Possible Business License Suspension - "Ucluelet Vacations" 1184 Helen Road**  
**Bruce Greig, Manager of Community Planning**

Council noted that this Agenda item should be titled "Hearing on Possible Business License Suspension - 'Ucluelet Vacation' 1183 Helen Road" not "Hearing on Possible Business License Suspension - 'Ucluelet Vacation' 1184 Helen Road".

Council provided Mr. Greig an opportunity to present. He appeared via Zoom. There was video. He noted the following:

- The most recent Staff report includes background, correspondence received from the business owners and recommends steps for conducting the hearing.
- The hearing relates to Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003 (the "Business Bylaw").
- Section 5 of the Business Bylaw states that the business owners are responsible to ensure compliance with all bylaws and enactments.
- Section 8 of the Business Bylaw authorizes Council to suspend or cancel a business license in cases of misconduct.
- The report in Council's agenda states:
  - Ucluelet Vacations is a business that operates at 1183 Helen Road and offers short-term tourist accommodations

- at that location.
  - 1183 Helen Road lies within the R-1 Single Family Residential Zone which is designated in the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw").
  - The one principle permitted use in the R-1 Zone is Single Family Dwelling.
  - Bed and Breakfast is a permitted secondary use in the R-1 Zone.
  - Section 404 of the Zoning Bylaw contains regulation for Bed and Breakfast uses.
  - The pertinent regulations provide that a Bed and Breakfast:
    - must be accessory to a permanent Residential Use;
    - must be offered and administered by the full-time and present resident; and
    - is limited to a maximum of 3 guest rooms.
- Early on August 1, 2020, RCMP and Bylaw Staff attended the property at 1183 Helen Road in response to a noise complaint.
  - They observed a gathering of 19 people on the property, with no sign of a full-time resident operating or administering the commercial tourism accommodation.
  - A guest stated that they were renting 4 suites for the weekend; two up and two down.
- The business license issued for "Ucluelet Vacations" was issued for 3 guest rooms on the lower level. The upper level of the house is supposed to be the residence of a full-time occupant.
- Council has received legal advice that the suspension of a business can be for a fixed minimum period of time. If Council does move in that direction then Council should deliberate on what would be a reasonable period of suspension.
- That Council should use this opportunity to clarify the facts as presented orally and in the agenda and provide the business owners with an opportunity to challenge or dispute the facts as presented by Staff.
- Council can also use this opportunity to ask questions of Staff or the business owner to clarify the facts.

Council provided the owners of Ucluelet Vacations with an opportunity to be heard. Michael Rhodes, one of the four owners of Ucluelet Vacations, appeared via Zoom. There was no video. He noted the following in response to the allegations:

- There has been a full-time and permanent resident living on site for the last two and a half years who was administering the property. The tenant began residing on the property immediately after the business owners were informed that this is a

- requirement of the Zoning Bylaw.
- On August 1, 2020 the full-time resident may not have been in attendance. The owner's understanding was that the full-time resident did not have to be on site at all times. The owners also do not believe that there were 19 people in attendance on August 1, 2020 and their guests report that 11 people were staying at the house and the rest of the people were staying at another accommodation. The visitors left when they were notified of the noise complaint. Bylaw did not have to reattend the property on August 1, 2020.
  - The business currently only offers three rooms, all of which are situated on the lower level of the house.
  - Throughout their ownership and operation of the Bed and Breakfast, the owners have adjusted their practices to achieve compliance as their understanding of the Zoning Bylaw evolved.
  - The owners have changed their website and other advertising platforms to only advertise the three rooms on the bottom floor of the house for short-term rental.

Council asked the following questions and the owners and Staff responded as follows:

- Would it be fair to say that it took two years to bring the business into compliance with Zoning Bylaw in terms of the full-time resident requirement? Mr. Rhodes explained that there was a permanent full-time resident on site who paid a lower rate to compensate for her role as administrator of the property.
- At what point in time were you operating without a business license? Mr. Rhodes noted that the property was purchased in 2016 at which time the owners inadvertently overlooked applying for a business license for a period of time. The owners were notified of the oversight in 2017 and applied for a business license.
- Council requested that the business owners review the timeline presented in the Agenda package. The owners noted the following:
  - The November 21, 2017 complaint relates to short-term rentals, which is a permitted use of the property.
  - In response to the April 3, 2018 cease and desist letter, the owners noted that they could not rent the full house because there was a tenant living in the house.
  - In response to the January 15, 2019 VRBO advertisement for a five bedroom whole-house short-term rental, the owners noted that there was a full-time renter at that time so it was impossible to rent the entire house. Mr. Rhodes attributed the advertisement to an old listing with VRBO which may have inadvertently been automatically renewed by VRBO. The advertisement was subsequently removed.

- In response to the noise complaint in 2020, Mr. Rhodes noted that this was the only noise complaint in four years.
- Council noted that there seems to have been four years of non-compliance. Council further noted, there there was a lack of communication between the owners and the District. Mr. Rhodes explained that every time that the owners were informed that their interpretation of the Bylaw was incorrect they changed their practices to comply with the District's interpretation of the Zoning Bylaw. Mr. Rhodes noted that there were communication problems on the part of the District.
- When the business advertised the rental of the whole house, were you aware that your business license only allowed you to rent three rooms? Mr. Rhodes noted that he was not sure that they had ever advertised the entire house. They had advertised a certain number of people and had advertised the five bedrooms. He explained there may have been some confusion between the advertising three bedrooms with x number of people or five bedrooms with x number of people or a configuration of those rooms. He went on to note that on occasions, years ago, guests would ask to use additional rooms in the house and the owners would allow them to use those rooms because they were not occupied. The owners stopped this practice once they were informed that renting more than three rooms was not allowed. Mr. Rhodes also explained that it has been years since the the home was advertised for entire home rentals for larger guest parties.
- Council noted the advertisement on page 84 of the agenda package and read it to the owners. Council noted that the ad was from October 8, 2020 and asked if Mr. Rhodes knew at the time the ad was published that they were only permitted to rent three of the rooms? Council noted that it seems that before this date, the owners were informed that they were only allowed to rent three rooms. Mr. Rhodes noted that they met with Mr. Greig and Mr. Ashton on October 10, 2020. At this meeting they discussed the rule that they were only allowed to rent the rooms downstairs and could not rent other rooms in the home. After the meeting the owners changed the ad.
- Council noted that the ad on page 84 says rent all five rooms. The owners noted that there are actually six rooms in the house. They further noted that the ad was on their website, it has been taken down and it was used as a way to start a conversation with potential guests who are looking for larger sleeping arrangements. The owner acknowledged that the image on Page 84 of the agenda package was from their website as of October 8, 2020.
- Council asked when the full-time tenant lived on site? Mr. Rhodes explained that the tenant lived there for about two and a half



years, between April of 2018 and September of 2020. He noted that the tenant was living in the upper part of the house and there is a new tenant lined up to administer the property.

- Council asked what the tenant's duties were? Mr. Rhodes explained that she was the property caretaker, she greeted guests, looked after the garbage and took care of the hot tub. The owners managed the online bookings. Mr. Rhodes explained that prior to April of 2018 there was no full-time resident, but a tenant moved in as soon as the owners were informed of the residency requirement. The owners further noted when they were informed of the residency requirement they were not informed that the resident had to run the business. The owners noted that they were confused about what constitutes the administration of the business.
- Council noted that the intended purpose of the tenant is to control the guests and asked if the tenant was able to do this? Mr. Rhodes responded in the affirmative and noted that there has only been one noise complaint in four years of operations.
- Council asked if the tenant was aware that she was responsible for administering the vacation rentals? Mr. Rhodes answered yes and noted that this is why her rent was subsidized.
- Council noted that the District requested a statement from the resident about her role administering the Bed and Breakfast, but have not received it.
- Council noted that in 2017 the owners were informed that whole home rentals are not permitted but continued to advertise whole home rentals until 2020. Mr. Rhodes noted that it was not a whole house rental as there was a tenant living on site.
- Council noted the ad on page 120 of the Agenda and asked if it did not advertise rental of the entire house? The owners explained that the the house has 7 bathrooms and 6 rooms.
- Council noted that the owner's business license was for three rooms only and noted that they were advertising five rooms which contravenes their business license. The owners confirmed that they were advertising five rooms but were renting only three rooms and have now changed their advertisement. The owners noted that business licenses regulate the numbers of room which can be rented not the number of rooms which can be advertised and reiterated that advertising additional rooms was a way of starting a conversation with potential guests. The owners further noted that the two rooms on the upper story of the property are not rented but instead used by friends and family.
- Council asked Mr. Greig to confirm that the three rooms on the bottom floor were the rooms designated for Bed and Breakfast use? Mr. Greig noted the business license on page 86 of the agenda as well as the floor plans on page 87 and 88 of the

agenda package. He noted that the areas highlighted in pink in the drawings on page 87 are the owners' space and the areas highlighted in yellow on page 88 are the designated Bed and Breakfast units.

- Council asked Mr. Greig when the floor plans were highlighted? He said it was when the business license was issued in March of 2018.
- Council asked why it took five months to issue the business license? Mr. Greig noted that he was not directly involved in the review of this business license, but that a delay like that is usually due to the District waiting for the applicant to provide missing information.
- Council noted the requirements for operating a Bed and Breakfast in an R-1 Zone, noted the owners have contravened these requirements and asked the owners if they were unaware of the Zoning Bylaw's requirement when they applied for the business license? The owners explained that they learned about the Zoning Bylaw requirements and corrected their mistakes over time, which is why they have a full-time tenant looking after the property. The owners further noted that they may have been pushing the edge of compliance or pushing boundaries at certain points but they were working towards compliance. The owners stated that they are now in compliance with the Zoning Bylaw. Their advertising is in compliance as well as the number of rental suites that they have. The owners further noted that the property is currently for sale.
- Council noted the three requirements of the Zoning Bylaw as presented in the Agenda package and that Council has not received a statement from the resident who was purportedly administering the business. The owners noted that there was a full-time resident, the short-term rentals were an accessory to the single-family dwelling and the owners have - over time - come to understand the nuances of the Zoning Bylaw. The owners further noted that their biggest mistake was the advertising which has been rectified.
- Council asked Mr. Ashton what the level of compliance is with other Bed and Breakfasts in town compared to the compliance issues with this property? Mr. Ashton, Bylaw Officer, explained that there are about 200 Bed and Breakfast in town and typically compliance is achieved early on and that in the case of stubborn business it can take a couple of months but most businesses achieve voluntary compliance after the first point of contact or upon follow up.
- Council asked Mr. Rhodes why there are three years of infractions with the property? The owners noted there is not a long list of complaints as there was only one complaint in terms of

noise and one in terms of the number of short term rentals in the property.

- Council asked why the owners advertised five rooms when they were only allowed to rent three rooms? The owners noted that it was an advertising strategy to increase enquiries and distinguish themselves from other short-term rentals. They further noted that they now recognize that the advertising was not permissible.
- Council asked what the owners would do if 12 guests planned to stay at the property? Would the owners turn them away and would that not result in negative advertising? The owners explained that they would not turn guests away as the three rooms can accommodate 12 guests.
- Council noted that businesses are responsible for knowing the rules that apply to them and Council has been working hard to deter this kind of behaviour and ensure fairness among business owners. Council further noted that there appears to be years of back and forth between the owners and District Bylaw Enforcement Staff to address compliance issues.
- The owners asked if they would have to receive confirmation from District Staff that their advertisements are permissible? Council noted that it seems that the owners intended to advertise five rooms. Which shows their intent to rent those rooms. In response, the owners noted that the advertisement has now been changed. Council noted that the bylaw is very clear. The owners noted that they are now in compliance, which they have been informed is the goal of Bylaw enforcement.
- Council asked who the permanent tenant currently is? The owners explained Mr. Rhodes will be staying at the property until November 1, when a new tenant has agreed to move in. Mr. Rhodes noted that his name is on the BC Hydro bill.
- Council noted that they do not usually see this level of non-compliance and disrespect for bylaws as well as the pushing of boundaries. They noted that bylaws are there to protect neighbourhoods and it is very important to send a clear message of compliance to the community. Council went on to note that three years of non-compliance and back and forth between the owners and the Bylaw enforcement are at issue. The owners explained that when they purchased the property they did not think of themselves as business owners, but instead as two couples who thought this was a great idea. They noted that the owners live in the community full-time, they are not absentee landlords, and their understanding is that the goal is compliance. The owners noted that compliance has been years in the making, and over the years you could call it cat and mouse or pushing the envelope.
- Council asked why it took so long to get into compliance? The

owners explained that they were trying to get into compliance and they apologized for the fact that they had to come to Council to resolve this issue. The owners went on to request some leeway because they are now in compliance, the property is for sale, and the property is expensive to maintain without the income generated from the short-term rental units.

Council began reviewing the submissions made by the owners and noted concerns with associated with COVID-19 and group accommodations. In response the Mr. Rhodes noted that it is safer for a single group to stay in the three rental units than three unrelated groups because they are in the same cohort or bubble.

Council continued to deliberate and noted:

- that the property is now in compliance;
- that this Council has never suspended a business license before;
- that this Council has never considered a matter where there have been this number of infractions or the pushing of the rules to this extent;
- that this is a small town where many residents know one another;
- that it is essential not to consider who the specific business owners are;
- that their response must have a deterrent effect on other Bed and Breakfast operators who may not be complying with the Zoning Bylaw; and
- that their response must ensure fairness for the rest of the community.

Council discussed what would be an appropriate minimum suspension period:

- Councillor McEwen recommended a 6 month suspension.
- Councillor Cole recommended taking a strong stance to deter other business and ensure fairness among businesses. Councillor Cole further recommended using the duration of the non-compliance as a reference point for determining the length of the suspension period.
- Councillor McEwen noted that she hopes not to see other cases where non-compliance goes on for three years. She agreed that the duration of non-compliance should be used as a reference point in determining the length of the suspension.
- Councillor Hoar noted that six months would result in two months for every year of non-compliance.
- Mayor Noël noted that the goal is compliance but the suspension period should also make a clear statement to the community. He went on to reason that the suspension period should also give the

Bylaw Officer the tools needed deter breaches and encourage compliance. The Mayor recommended a three months suspension.

- Councillor Hoar noted that a three months suspension equals one month per year of non-compliance. She further reasoned that three months may be appropriate because the business owners are now in compliance.
- Councillor Cole noted that suspensions are necessary in some circumstances to achieve compliance and that she hopes that anyone who is not currently compliant becomes compliant immediately. She reasoned that one month per year of non-compliance makes sense in the event that the business owner is in compliance at the time that their license is suspended.
- Councillor Hoar reasoned that since there are fines it is appropriate for their to be a suspension once a business has not been in compliance for a year.
- Council noted the MTI tickets in the agenda package and Mr. Greig explained that these tickets have not been settled and the owners have questioned the manner of service. He explained the tickets can be served up to six months after the infraction. Councillor Cole noted that the tickets are now a mute point.
- Mayor Noël argued that service of the MTI ticket is not relevant to the issue of business license suspension. He noted that he would vote in favour of a six month suspension.
- Councillor Hoar noted that not being in compliance for three years is egregious. She noted that if Council is setting a precedent for other suspensions, three months is a good start.
- Councillor Cole noted the financial hardship that suspending the business license could have on the owners but she also noted that the fall and winter months may be slower times for this business.

2020.213.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

***THAT**, due to repeated non-compliance with section 404 of District of Ucluelet Zoning Bylaw No. 1160, 2013, Council suspends the business license issued to Jefferey Swann, Naomie Swann, Michael Rhodes and Jennifer Rhodes to operate the business known as “Ucluelet Vacations” at 1183 Helen Road for a period of six months and until the business owners present to Staff:*

*a. an executed lease agreement or a signed statement from the individual who is the full-time resident occupying the single-family dwelling; and,*

*b. a signed statement from the individual occupying the single-family dwelling that states that they are administering and operating the business known as Ucluelet Vacations.*

CARRIED.

**14. OTHER BUSINESS**

**14.1 Letter to MLA Osborne**

2020.214.REGULAR **It was moved by Mayor Noël and seconded by Councillor McEwen**

***THAT** Council direct Staff to send a letter of congratulations to Mayor Osborne regarding her recent victory in the race for the Mid Island Pacific Rim MLA seat.*

CARRIED.

**15. QUESTION PERIOD**

There were no questions.

**16. ADJOURNMENT**

The meeting was adjourned at 5:20 PM.

**CERTIFIED CORRECT:** Minutes of the Regular Council Meeting held on Tuesday, October 27, 2020 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

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Mayco Noël  
Mayor

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Mark Boysen  
CAO

**DISTRICT OF UCLUELET**  
**MINUTES OF THE REGULAR COUNCIL MEETING**  
**HELD IN THE GEORGE FRASER ROOM, 500 MATTERSON DRIVE**  
**Tuesday, November 10, 2020 at 3:30 PM**

Present:      **Chair:**           Mayor Noël  
                  **Council:**       Councillors Cole, Hoar, Kemps, and McEwen  
                  **Staff:**           Mark Boysen, Chief Administrative Officer  
                          Donna Monteith, Chief Financial Officer  
                          Rick Geddes, Fire Chief (Via Zoom)  
                          Abby Fortune, Manager of Recreation and Tourism (Via Zoom)  
                          Joseph Rotenberg, Manager of Corporate Services  
                          Nicole Morin, Corporate / Planning Clerk

Regrets:

**1. CALL TO ORDER**

The meeting was called to order at 3:30 PM.

**2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY**

Council acknowledged the Yuułu?iŋ?ath First Nation, on whose traditional territories the District of Ucluelet operates.

**3. NOTICE OF VIDEO RECORDING**

Audience members and delegates were advised that this meeting was being video recorded and broadcast on YouTube and Zoom, which may store data on foreign servers.

**4. ADDITIONS TO AGENDA**

**4.1 Add "CLOSED SESSION" as agenda item number 15 and renumber the remaining agenda items accordingly.**

- ***Procedural Motion to Move In-Camera:***  
**THAT the meeting be closed to the public in order to address agenda items under Section 90(1)(e) of the *Community Charter*.**

**5. APPROVAL OF AGENDA**

**5.1 November 10, 2020 Regular Council Agenda.**

2020.215.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Hoar**  
***THAT Council approve the November 10, 2020 Regular Council Agenda as amended.***

CARRIED.

## 6. UNFINISHED BUSINESS

There was no unfinished business.

## 7. MAYOR'S ANNOUNCEMENTS

The Mayor noted the Prime Minister's statement regarding the rise of COVID-19 cases in Canada as well as challenges associated with the spread of the virus during winter months.

The Mayor urged residents of the Fraser and Vancouver Coastal Health regions to follow the recommendations against travel recently issued by Dr. Bonnie Henry. He also urged residents of the District of Ucluelet to follow all Health Orders and recommendations.

The Mayor noted Remembrance Day is upcoming, thanked those who served for their sacrifices and noted the modified Remembrance Day ceremonies presented by The Army Navy Air Force.

## 8. PUBLIC INPUT & DELEGATIONS

### 8.1 Public Input

There was no public input at this time.

### 8.2 Delegations

#### **Michelle Hall, Surfrider Foundation**

#### **Re: Circular Tourism**

Ms. Hall explained the principles of Circular Economy as they relate to Tourism. She noted that she completed a case study on Tofino, which included input from the Clayoquot Biosphere Trust, Surfrider Foundation Pacific Rim, Tourism Tofino and the ACRD. Ms. Hall then outlined community concerns related to tourism in Tofino.

The central finding of Ms. Hall's case study was that the socio ecological integrity of the community must be sustained to sustain the economic benefit of tourism. Ms. Hall went on to explain how the principles of circular economy could be used to preserve the socio ecological integrity of Tofino and other communities on the West Coast.

## 9. CORRESPONDENCE

### 9.1 **Appointment to the 2021 Vancouver Island Regional Library Board** ***Rosemary Bonanno, Executive Director, Vancouver Island***



### **Regional Library**

2020.216.REGULAR **It was moved by Mayor Noël and seconded by Councillor Cole**

*THAT Council appoint Marilyn McEwen as Trustee and Jennifer Hoar as alternate to the 2021 Vancouver Island Regional Library Board.*

CARRIED.

### **9.2 Resolution to Support Local Journalism**

**Elyse Goatcher-Bergmann, Manager of Corporate Services, District of Tofino**

2020.217.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**

*WHEREAS Canada's federal government acknowledged in its 2019 budget (p. 173) that "A strong and independent news media is crucial to a well-functioning democracy.";*

*WHEREAS residents of 190 Canadian communities — including communities on Vancouver Island — lost 250 established news outlets due to closings or mergers between 2008 and 2018, and further lost the essential services provided by roughly 2,000 media workers in 100 communities across Canada due to layoffs in only six weeks from the time the COVID-19 pandemic began;*

*WHEREAS at least 13 municipal councils — representing more than 1.5 million Canadians — have passed resolutions urging elected representatives of provincial and federal governments to build an ecosystem for robust local journalism to serve all Canadians;*

*THEREFORE BE IT RESOLVED that the District of Ucluelet Council recognizes that a healthy, professional news media is essential to the proper functioning of democracy in our district; urges nearby municipal councils and across Canada to recognize that a robust news media is essential to the proper functioning of democracy in their jurisdictions; endorses legislation and regulations to support and rejuvenate news outlets across Canada; and urges the federal government to move quickly to pass legislation to ensure an ecosystem for a healthy news media to serve all Canadians;*

*AND THAT the resolution be forwarded to the area municipalities; local MPs and MLAs; the Union of BC Municipalities; and the Federation of Canadian Municipalities.*

CARRIED.

### **9.3 Clayoquot Sound Biosphere Region UNESCO Designation Self Study**

**Rebecca Hurwitz, Executive Director, CBT**

2020.218.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Kemps**

*THAT Council direct Staff to write a letter of support for the Clayoquot Biosphere Trust.*

CARRIED.

**10. INFORMATION ITEMS****10.1 Infilm Update, October 24, 2020**

Council noted joan miller should be invited to present a delegation at a future meeting.

**10.2 E-mail from the Provincial Director for Child Welfare and Provincial Director of Adoption**

*Cory Heavener, Provincial Director of Child Welfare and Renaa Bacy, Provincial Director of Adoption, Ministry of Children and Family Development*

**11. COUNCIL COMMITTEE REPORTS****11.1 Councillor Marilyn McEwen  
Deputy Mayor January - March 2020****11.2 Councillor Lara Kempes  
Deputy Mayor April - June 2020**

- October 28 - attended PAC meeting. SD70 is working towards providing before and after school care at all SD70 elementary school locations. The Elementary School PAC is seeking new executive members, particularly a Secretary.

**11.3 Councillor Jennifer Hoar  
Deputy Mayor July - September 2020**

- November 4 - Wild Pacific Trail Society regular board meeting. The Wild Pacific Trail is now on hellobc.com and their AGM is scheduled for November 18th at 7 PM.
- November 14 - will be the first day of the of the Food Bank on the Edge Reverse Advent Calendar.

**11.4 Councillor Rachelle Cole  
Deputy Mayor October - December 2020**

- Attended ACRD strategic planning session.

**11.5 Mayor Mayco Noël**

- Reminded residents and visitors to follow Provincial Health Orders and recommendations to help protect the health of the region.

**12. REPORTS**

**12.1 Fire Services for the Toquaht Nation (Verbal Report)**  
***Rick Geddes, Fire Chief***

Mr. Geddes provided an update on his work towards establishing a fire service agreement with the Toquaht Nation which is intended to include transferring ownership of a mini pumper to the Toquaht Nation, training, consultation, and fire support in the event of a structure fire in Macoah.

**12.2 Signage Remediation**  
***Abby Fortune, Manager of Recreation & Tourism***

Ms. Fortune outlined the sign remediation project to be completed by Spring of 2021. She noted that the Whale Watching sign may be relocated at a future date after conducting community consultation. It was clarified that Henry Nolla carved one of the signs.

2020.219.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Hoar**  
***THAT Council approve spending up to \$20,000 from 2020 RMI additional funds for remediation work for current signage.***

CARRIED.

**12.3 Quarterly Project Update - Q3 2020**  
***Mark Boysen, Chief Administrative Officer***

Mr. Boysen noted that the Quarterly Project Update will be presented on the Council section of Ucluelet.ca. He also explained that only two Tsunami Kiosks were planned for 2020 and the washrooms at the Cedar Road Parking Lot are planned for the next stage of that project.

2020.220.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Hoar**  
***THAT Council receives this Q3 2020 update on the progress of budgeted Staff projects.***

CARRIED.

**12.4 Grant in Aid and In-Kind Contributions for 2020**  
***Donna Monteith, Chief Financial Officer***

Ms. Monteith noted that at the recent Committee of the Whole meeting some community groups reported they were having difficulty performing their 2020 Grant in Aid projects due to the COVID-19 pandemic. Ms. Monteith explained the recommended resolution and noted that Grants in Aid are issued for community groups to complete specific projects.

Council discussed the policy requirement that Grant in Aid recipients return funds in the event that they are unable to complete their project.

2020.221.REGULAR **It was moved by Councillor Cole and seconded by Councillor McEwen**  
***THAT Council authorize the Chief Financial Officer:***

- a. to accept until December 15, 2020, written requests to extend 2020 Grant in Aid funding; and
- b. to extend the project completion deadline for 2020 Grant in Aid funding recipients to March 1, 2022, provided recipients establish in writing that they were unable to complete their 2020 Grant in Aid project due to COVID-19 and they plan to complete the same project before March 1, 2022.

CARRIED.

**12.5 Five Year Financial Plan 2020 - 2024 Bylaw Variance Report Q3**  
**Donna Monteith, Chief Financial Officer**

Ms. Monteith outlined the findings of the variance report and noted some highlights. She explained that only 33% of the 2020 water budget has been spent and explained that this is due to the deferral of two water reservoir cleanings planned for 2020 to 2021. Ms. Monteith also noted that the work on the cemetery project will commence soon and staff are currently seeking out contractors for that project.

2020.222.REGULAR **It was moved by Councillor McEwen and seconded by Councillor Cole**  
***THAT* Council receive the Five Year Financial Plan 2020-2024 Variance Report for the third quarter ending September 30, 2020.**

CARRIED.

**12.6 Five Year Financial Plan Meeting Schedule (2021 - 2025)**  
**Donna Monteith, Chief Financial Officer**

Ms. Monteith outlined the proposed schedule.

2020.223.REGULAR **It was moved by Councillor Kemps and seconded by Councillor Hoar**  
***THAT* Council approve the Five-Year Financial Plan Meeting Schedule for the years 2021 to 2025 as presented.**

CARRIED.

**12.7 2021 Council Meeting Schedule**  
**Joseph Rotenberg, Manager of Corporate Services**

Council discussed the proposed Council schedule and noted conflicts with annual conventions. Council decided not to change the schedule.

2020.224.REGULAR **It was moved by Councillor Hoar and seconded by Councillor McEwen**  
**1. *THAT* Council adopt the proposed 2021 Council Meeting Schedule as presented; and**  
**2. *THAT* Council direct Staff to give notice of the 2021 Council Meeting Schedule in accordance with the Community Charter.**

CARRIED.

**12.8 Resolution Tracking - October 2020**

**Nicole Morin, Corporate/Planning Clerk**

**12.9 Cheque Listing - October 2020**

**Nicole Morin, Corporate/Planning Clerk**

asked about great pacific consulting.

**13. OTHER BUSINESS**

**13.1 District of Ucluelet Fireworks Bylaw**

Mr. Boysen noted that there were limited Bylaw complaints related to fireworks but there has been a trend towards increased regulation of Fireworks across municipalities in British Columbia. Council members noted that they have heard complaints from residents and the RCMP received many complaints related to fireworks on October 31st.

2020.225.REGULAR **It was moved by Mayor Noël and seconded by Councillor Hoar**

*THAT Council direct Staff to provide a report with options for revising the Fireworks Bylaw at a later date.*

CARRIED.

**13.2 Zoning Amendment Bylaw No. 1269, 2020.**

Council discussed this motion which was introduced by Councillor Hoar. Mark Boysen, Chief Administrative Officer, noted that if adopted Staff will focus on preparing this report for the next Regular Council Meeting. He also outlined the legislative requirements associated with adopting a zoning bylaw.

2020.226.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**

*WHEREAS our understanding in April was that Bylaw 1269, 2020 was specifically related to Lot 13 and its R5 zoning, we now find it affects all zoning in the District. We would like to better understand the impact of these changes and would appreciate more insight into this matter.*

*THEREFORE, BE IT RESOLVED THAT Council requests staff to write a report on the changes to Floor Area Ratios arising from Bylaw No. 1269, 2020, and its impacts.*

CARRIED.

Carried unanimously.

**14. QUESTION PERIOD**

There were no questions.

**15. CLOSED SESSION**

**15.1 Procedural Motion to Move In-Camera**

Council returned from the closed session at 5:38 PM.

2020.227.REGULAR **It was moved by Mayor Noël and seconded by Councillor Hoar**

***THAT** the meeting be closed to the public in order to address agenda items under Section 90(1)(e) of the Community Charter.*

CARRIED.

**16. ADJOURNMENT**

The meeting was adjourned 5:38 PM.

**CERTIFIED CORRECT:** Minutes of the Regular Council Meeting held on Tuesday, November 10, 2020 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre, 500 Matterson Road, Ucluelet, BC.

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Mayco Noël  
Mayor

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Mark Boysen  
CAO



## DISTRICT OF UCLUELET

### Request to Appear as a Delegation

All delegations requesting permission to appear before Council are required to submit a written request or complete this form and submit all information or documentation by 11:00 a.m. the Wednesday preceding the subsequent Council meeting. Applicants should include the topic of discussion and outline the action they wish Council to undertake.

All correspondence submitted to the District of Ucluelet in response to this notice will form part of the public record and will be published in a meeting agenda. Delegations shall limit their presentation to ten minutes, except by prior arrangement or resolution of Council.

Please arrive 10 minutes early and be prepared for the Council meeting. The Mayor (or Acting Mayor) is the chairperson and all comments are to be directed to the chairperson. It is important to address the chairperson as Your Worship or Mayor Noël.

The District Office will advise you of which Council meeting you will be scheduled for if you cannot be accommodated on your requested date. For more information contact the District Office at 250-726-7744 or email [info@ucluelet.ca](mailto:info@ucluelet.ca).

Requested Council Meeting Date: \_\_\_\_\_

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

Name of person(s) to make presentation: \_\_\_\_\_

Topic: \_\_\_\_\_

Purpose of Presentation:

- Information only
- Requesting a letter of support
- Other (provide details below)

Please describe:

Contact person (if different from above): \_\_\_\_\_

Telephone Number and Email: \_\_\_\_\_

Will you be providing supporting documentation?  Yes  No

If yes, what are you providing?

Handout(s)  
 PowerPoint Presentation

Note: Any presentations requiring a computer and projector/screen must be provided prior to your appearance date. The District cannot accommodate personal laptops.

**TO: Mayor and Council, District of Ucluelet**  
**FROM: Ursula Banke (Project Facilitator)**  
**Island Work Transitions Inc**  
**DATE: Nov 9, 2020**  
**SUBJECT: WC Local Labour Market Information Project**  
**Request for a Letter of Support & Funding**

**Dear Mayor and Council:**

Island Work Transitions Inc., (IWT) has been working with local employers for many years, connecting them with jobseekers and helping them to resolve the workforce supply and demand issues in our region.

This year in particular, employers are facing many new challenges. Workforce demand is outweighing supply of human resources needed to operate their businesses. The COVID19 pandemic has brought these growing work force issues to the forefront. Local employers are looking for ways to align their human resource needs with the region's workforce supply. Under the constraints of COVID 19, we have been busy working with local businesses and community organizations; being involved in Workforce planning and supply/demand/alignment strategies. In our work, we would like to bring to your attention the Issues & challenges that we are facing when collecting and reporting local workforce data. Most sources have proven to be unreliable; distorted factors not reflecting actual numbers for our area.

In collaboration with local employers, IWT has developed the WC Local Labour Market Information (WCLLMI) Project. This project proposes to create an evidence-based decision-making tool that will support the development of improved work force alignment strategies. This short term project will support long term sustainable economic development goals for our rural and remote communities.

**The WCLLMI Project - Aligns with Ucluelet's Economic & Social Development Strategies**

As a part of IWT's Community Employment Program, our west coast liaison, helped the Ucluelet Chamber of Commerce develop a proposal that aligned with the goals and objectives of the District's Economic Development Strategy. The project was called the Ucluelet Business and Employment Retention and Expansion (UBERE) program. It was created in 2018 for the Ucluelet Chamber of Commerce as part of a strategic re-orientation of the services offered by the Chamber and the role it plays in the local economy. It was funded in Year One (2018) through grants from the BC Rural Dividend Program, the District of Ucluelet, and the Island Coastal Economic Trust, and by the Chamber.

On reviewing the UBERE Report - Year One, it is evident that the WCLLMI Project will fit well into Ucluelet's Economic Development Strategy. Specifically, the workforce supply/demand information will feed the next stage of the UBERE project. This short term project will provide a 'deliverable' that will also support a long term goal; the development of a 10 year, West Coast Work Force Strategy for the region, that will enable ongoing review of the data reporting from West Coast Labour (supply and demand). It will become a tool that provides evidence based support for informed decision making as we build effective alignment strategies.

**A Regional Project – Benefitting all Employers and Jobseekers in the Alberni Clayoquot – WC Region.**

The work of this project intends to collect regional work force data; recognizing the workforce dynamic within the region. Workers may live in one community but work in another. For example, people are coming from as far away as Port Alberni to work at the fish plant in Ucluelet. A similar situation is in off shore forestry and fisheries employment. Those that work in a 'camp' situation, reside in other communities throughout the region. The collected data will help the region to develop workforce strategies that align with workforce supply and demand.



The total cost of getting this project completed is \$18,000 (see attached outline). The timeframe is 6 months. The deliverable is the development of an invaluable tool that will help to serve ongoing work force planning initiatives within the region.

This project has received letters of support from Clayoquot Biosphere Trust, the Tofino Longbeach Chamber of Commerce and Ucluelet Chamber of Commerce. The WCLLMI Project Working group meetings are attended by representatives and stakeholders from various west coast organizations throughout the region.

**Regional Workforce Strategic Planning – Demand/Supply/Alignment:**

The WC LLMI project will establish a set of local indicators; collect information, research & evaluate current data from various local, regional, provincial, and federal sources. The deliverable will be a living document that will be updated, monitored and evaluated locally and will provide ongoing evidence based reports to inform best decision-making and appropriate alignment strategies.

This project will provide more accurate and current labour supply information, ongoing, relative to West Coast businesses. The goal is to identify, measure and monitor, the indicators of the ever changing labour supply & demand issues on the west coast. In addition, it will help the business community to create effective alignment strategies, by filling the data gaps, and resolve related workforce issues throughout our region.

**What is our contribution to the project?**

As Project 'Lead', IWT will continue to provide the following in-kind contribution:

- Project coordination/implementation/completion; admin & accounting; Stakeholder meetings – organization, facilitation, continuity; interim & final reporting

**What are we asking from you?**

On behalf of the WC Local Labour Market Information Project, we are writing to request;

- a) A letter of support for this project
- b) Funding in the amount of \$9000

Total project cost is \$18000. We are asking each municipality (Tofino and Ucluelet) to share in the cost equally as the project intends to bring economic benefits to the employers and jobseekers who live and work in the west coast region.

Kind regards,

*Ursula Banke*, **WC LLMI Project Facilitator**,

Community Liaison / Employment Centre Coordinator

**Island Work Transitions Inc., (dba Alberni Valley Employment Centre)**

381 Main Street , P.O Box 1050, Tofino, BC V0R 2Z0

Ph: 250-725-8805 - Fax 250-725-2845      Email: ubanke@avemployment.ca

*(refer to page 3 for Project Details - Outline, Timeline, Stakeholders & Cost)*

## 2020 West Coast LLMI Project – Outline, Timeline, Stakeholders & Cost

### Background & Summary

- WC LLMI project supports **the UN 2030 Agenda for Sustainable Development** from the local level. Specifically, the **SDG Goal #8** – “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”.
- UN SDG goal #8 similar to IWT’s mission statement
- Workforce planning - supply/demand/alignment strategies - employment services; - Issues & challenges – when collecting and reporting local workforce data - unreliable sources, distorted factors not reflecting actual numbers.

### Goals & Objectives

- enable evidenced-based and informed decision-making in response to our local economic realities; the impacts of this pandemic on our local economy and our workforce;
- develop a set of indicators which are monitored, evaluated and adjusted annually to support the alignment of our sustainable development goals within our communities;

### Workplan:

- West Coast Local Labour Market Information Project proposes to establish a set of indicators that will support workforce planning and sustainable economic development in our area.
- The work will focus on gathering current data from reliable sources relevant to workforce demand, supply & setting targets and indicators with monitoring and evaluation strategies that align with local sustainable economic development goals.

**Project Lead:** Island Work Transitions Inc. (dba Alberni Valley Employment Centre)

### Project Working Group – Advisory Committee:

- Marcie Dewitt (no alternate) Alberni-Clayoquot Health Network
- Julien Hocking-Grant (alternate TBD) Tribal Parks Alliance
- JJ Belanger Crystal Cove Beach Resort
- Laura Loucks (alternate TBD) Clayoquot Biosphere Trust
- Iris Frank (Tla-o-qui-aht Education) (alternate Lisa Tremblay – Tla-o-qui-aht HR)
- Jen Dart (alternate - Ryan Teremy) Tofino-Long Beach Chamber of Commerce
- Laurie Filgiano – Ucluelet Chamber of Commerce

**Timeline:** 6 months

**Start** Jan 2021 – **End** Jun 2021

### Project Deliverables:

- A defined set of labour market indicators (5-7) specific to West Coast Labour market determined by local stakeholder organizations (First Nation & Non-native representation)
- All supporting information will be contained in a written document so the indicators can continue to be updated/revised by the ‘lead’ organization beyond the initial setting up of the project.

**Project Cost:** \$18,000

**CONTACT**

Email: [chamberoffice@uclueletinfo.com](mailto:chamberoffice@uclueletinfo.com)  
PO Box 428, Ucluelet BC V0R 3A0  
Phone: 250-726-4641  
[www.ucluelet.ca](http://www.ucluelet.ca)

October 30, 2020

To Whom It May Concern;

On behalf of the Ucluelet Chamber of Commerce, please accept this letter of support for Island Work Transitions Inc. (IWT) in their application for the WC Local Labour Market Information Project

IWT understands the workforce supply and demand issues employers face in our region. The COVID-19 pandemic has amplified these matters. Through the communication and efforts of IWT, a need has been identified to build an evidence-based decision-making tool that will support the development of improved work force alignment strategies. In many ways, this is an extension of the Ubere program, which the Chamber supports and would like to partake in.

As a Chamber of Commerce, we lean on IWT for assistance in helping find and develop a regional workforce and potential human resources. In order to do this in the best of their abilities, they have developed the WCLLM. This resource would be utilized by organizations across the coast, including our own, the impact being invaluable to our economic growth.

With this program, IWT can help balance the workforce demand and the supply of human resources needed to operate businesses. This short-term project will support long term sustainable economic development goals for our rural and remote communities.

WCLLM is a project needed in our communities, and IWT understands our businesses. The Ucluelet Chamber of Commerce BoD has agreed that I sit at the working group level to bring forward information from local businesses on workforce supply issues.

The Ucluelet Chamber of Commerce fully supports this proposal, if you have any further questions, please don't hesitate to contact me.

Sincerely,

*Laurie Filgiano*

Laurie Filgiano

Executive Director



Oct. 13th, 2020

District of Tofino Mayor and Council  
 PO Box 9  
 Tofino, BC V0R 2Z0

RE: Support for Labour Market Information Project

Dear Mayor and council,

The Tofino-Long Beach Chamber of Commerce represents some 325 local and regional member businesses and organizations. The Chamber board of directors seeks to represent the interests of the membership by lobbying on its behalf regarding policies and issues that affect the business climate of Tofino. It is in keeping with this mandate that the Chamber provides its support for the West Coast Labour Market Information Project proposed by Island Work Transitions.

This project aims to provide an evidence-based tool to determine how the region can better match local businesses with qualified employees. The needs of the business community have greatly changed over time, and we are seeing evidence that businesses are currently feeling pressures regarding adequate staffing. This project will provide accurate information about the current needs of local businesses, while also developing strategies to meet those needs. By measuring the data collected against locally developed indicators, the project proponent will be able to provide information regarding supply and demand in Tofino, and also project into the future to account for trends and emerging economic sectors.

Not only will the business community benefit from this information, but it can also inform council's own planning processes. It is for these reasons that the Chamber provides its support for this project and urges council to fund it from funds set aside for economic development.

Please do not hesitate to contact me for further information.

Sincerely,

*Jen Dart*

Jen Dart  
 Executive Director

Box 249, Tofino British Columbia V0R 2Z0 Tel: 250.725.3153

E-mail: [info@tofinochamber.org](mailto:info@tofinochamber.org) [www.tofinochamber.org](http://www.tofinochamber.org)

Since 1929



District of Tofino  
Mayor and Council

October 8, 2020

**RE: Request for Funds to Support Local Labour Market Information Project**

Dear Mayor and Council,

Our vision of the Clayoquot Sound UNESCO Biosphere Region is to live sustainably in a healthy ecosystem with a diversified economy and strong, vibrant and united cultures while embracing the Nuu-chah-nulth First Nations "living" philosophies of iisaak (living respectfully), qwa'aak qin teechmis (life in the balance) and hishuk ish ts'awalk (everything is one and interconnected).

In upholding this vision, we are pleased to provide a letter of support for the Island Work Transitions Inc. (IWT) *West Coast Labour Market Information Project*. The project aims to work with local businesses and community organizations, such as the CBT and Long Beach Chamber of Commerce, to create an evidence-based decision-tool to better understand how we can align local business workforce needs with a local supply of qualified employees.

There have been significant changes in the sectors supporting Tofino's economy over the last 20 years, and consequently, the distribution of the local workforce has also changed. This project will provide more accurate information about the current labour supply needs for local businesses, and will prioritize strategies to meet these needs. In addition, the project will provide information on new and emerging local economic sectors and their workforce needs so as to support economic diversification strategies in Tofino.

Finally, the level of inter-organizational collaboration and in-kind contribution for this project will ensure the District of Tofino receives a valuable return on investment. For example, the data and decision-making tools generated from this project will be designed to inform planning processes such as the Council strategic plan.

We appreciated your consideration for this funding request and the opportunity to support such an important project.

Sincerely,

Laura Loucks, PhD  
Research Director

PO Box 67, 316 Main Street, Tofino BC Canada VoR 2Z0  
T 250.725.2219 F 250.725.2384

[clayoquotbiosphere.org](http://clayoquotbiosphere.org)



**Joseph Rotenberg**

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**From:** Joseph Rotenberg  
**Sent:** November 6, 2020 1:51 PM  
**To:** Joseph Rotenberg  
**Subject:** RE: Provincial Funding for Emergency / Fire Equipment Small Communities

**From:** Dennis Dugas <[ddugas@porthardy.ca](mailto:ddugas@porthardy.ca)>  
**Date:** November 6, 2020 at 10:26:22 AM PST  
**To:** Mayco Noel [REDACTED]  
**Subject:** **FW: Provincial Funding for Emergency / Fire Equipment Small Communities**

Hello Mayor Noel:

Mayco, I am sending you this email to ask you and your council to support this opportunity to form a coalition of Small Communities so we can make sure our voice will be heard at the Provincial Government level.

It is time that all the Small Communities in our Province make their voices heard loud and clear that we can not sustain Fire Protection services without Provincial financial support.

The Insurance Premium Tax ( information attached ) is still being collected through our BC House Insurance and Vehicle Insurance at a rate of 4.4% which I would estimate as being in the hundreds of millions?

Within the UBCM there are 5 Area Associations , with our AVICC association being one of them . As one of the Small Communities in the AVICC region I need your support and your commitment become a member of a coalition of Mayors to address this unacceptable situation which we all require financial support for. I am hopeful that there will be Small Community coalitions of Mayors formed across BC which will be supported by their associations.

We can with your support spearhead this topic at our next AVICC Association Convention which will hopefully happen in the Spring of 2021, but we have to get the ball rolling now to make that happen.

I am reaching out to as many Mayors as I can within our AVICC Association and hope to get a positive response.

Now that the Province is in the stages of the election with the completion of the counting of the mail in ballots it is the right time to form our Small Community coalition so we can strategize the message we want to present to the newly elected BC Government Premiere and Ministers.

Your support, comments and suggestions sent back to me will be greatly appreciated and please let me know if you received this email.

As we say " Together we are Stronger ".

Regards

Dennis Dugas ( D2 )

District of Port Hardy Mayor

## **B.C.'s Insurance Premium Tax: potential revenue source for local fire services**

### **PROBLEM**

Rising costs are making it increasingly difficult for B.C. communities to fund fire services. The provincial government provides limited support for community firefighting, and refuses to share revenue from the 4.4% Insurance Premium Tax, which was originally created to fund fire protection.

### **BACKGROUND**

A clear historic link exists between B.C.'s Insurance Premium Tax and the fire insurance premium tax the provincial government introduced in 1921 to offset the costs of the Office of the Fire Marshal, which at the time conducted fire investigations, training and code enforcement.

Over the years, the province has expanded the IPT's reach to include automobile insurance and the entire property insurance premium (not just fire insurance), and made legislative changes to sever the link between collection of the tax and payment for fire services. However, the province re-established that link in 2004, when it raised the IPT from 4% to 4.4% to pay for forest firefighting.

B.C.'s Insurance Premium Tax is the highest in Canada, yet it offers negligible support for community firefighting. The IPT is forecast to raise \$362 million in 2007/08 (more than double what it raised in 1999). Meanwhile, the only direct provincial contribution today towards community firefighting is through the Office of the Fire Commissioner, a governance-oriented body that received \$2.39 million in 2007/2008 (less than 1% of the IPT's revenue).

In Canada, responsibility for fire suppression falls to municipalities, which rely on property taxes for funding. B.C. municipalities collect more than \$397 million per year in property taxes to pay for firefighting, safety inspections and fire investigations.

As fire protection costs have continued to rise, provincial funding to municipalities has dwindled. After consistent reductions to unconditional provincial grants to municipalities over the years, the province stopped providing these grants altogether in 2006 to cities of more than 19,000 people (small communities still receive some support, but below 1998 levels). In addition, the province has gradually assigned to B.C. municipalities many former duties of the Office of the Fire Commissioner – such as safety inspections and fire investigations – without additional provincial funding.

While Insurance Premium Taxes are common across Canada, some provinces and territories provide higher levels of support for community fire services than seen in B.C. The United States also has examples of insurance premium taxes that help offset local fire service costs.

Lobbying by the Fire Chiefs' Association of B.C., the Union of B.C. Municipalities and individual municipalities and regional districts has so far failed to convince the provincial government to re-examine the issue or acknowledge the link between the IPT and funding for community fire services.

Interestingly, the province successfully used a similar argument – the moral link between tax collection and disbursement – in applying for federal funding (such as the gasoline tax).

Legal advice has also shown the merits of possible constitutional challenges related to either the argument that the IPT is discriminatory because it imposes a tax on property owners that other provincial taxpayers do not have to pay, or that the negative effect of diverting the revenue away from fire services outweighs the benefits of applying it as general revenue.

### **KEY CONCERNS**

- **Safety:** Rising costs are forcing communities to make cuts that could negatively impact fire services.
- **Fairness:** In essence, B.C. property owners are paying for the same service twice – once through their property taxes, and again through a tax that was originally intended to pay for fire services. When a tax is collected from a defined group of people for a defined purpose, there is a moral obligation to spend the revenue on that purpose.



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<sup>1</sup> *Fire Marshal Act 1921*

## Section 32

1. For the purpose of defraying the expenses of administration under this Act, including the salaries of the Fire Marshal and his staff, every company (as defined by the "British Columbia Fire Insurance Act") transacting the business of fire insurance in the Province shall contribute each year a sum to be fixed by the Lieutenant Governor in Council according to such rate as in his opinion will be sufficient to meet the actual expenses of administration under this Act, but not exceeding in any year one-third of one per cent of all premiums or assessments (less return premiums or assessments and reinsurance premiums) paid or payable to such company on risks within the Province, and calculated on the business of the preceding calendar year as reported to the Superintendent, and such contribution shall be in addition to any other fee or tax payable by the company under any other Act: Provided that where the company is not licensed under the "British Columbia Fire Insurance Act" the contribution prescribed by this section shall be made by each insured paying a sum fixed as aforesaid, calculated according to the premium or assessment paid by him to the company during the preceding calendar year.
2. Every company and insured shall, on or before the first day of March in each year, pay to the Superintendent the amount so due from it or him, and the provisions of the "Taxation Act," or, in the absence of appropriate provisions, such provisions as may be adopted by the regulations for the purpose of enforcing payment of any such amount, shall apply in each case.
3. The Superintendent shall pay into the Provincial Treasury all Money received by him under this Act, and shall keep a separate account showing the moneys so received and the moneys expended in administration under this Act, in such a manner as may be required.
4. The salaries of the Fire Marshal and his staff and all expenses of administration under this Act shall, in the absence of a special vote of the Legislature available therefore, be paid by the Minister of Finance out of the Consolidated Revenue Fund.

<sup>2</sup> *Fire Services Act 1979*

## Section 48

1. To defray administration expenses under this Act, including the salaries of the fire commissioner and his staff, each insurance company transacting fire or automobile insurance business in the Province and each person whose property in the Province is insured for a fire hazard with an insurance company not licensed under the *Insurance Act*, shall contribute each year, in addition to all other fees or taxes payable under any other Act, a sum to be fixed by the Lieutenant Governor in Council according to a rate he believes will be sufficient with the money available under section 52 to meet actual administration expenses.
2. The sum fixed for an insurance company shall not exceed in any year 1% of the aggregate of the premiums or assessments, or their portions, paid or payable to the company for a fire hazard on property in the Province in the preceding calendar year, less return premiums, assessments and reinsurance premiums, calculated on the business of the preceding calendar year as reported to the superintendent.
3. The sum fixed for a person whose property is insured with an unlicensed company shall not exceed in any year 1% of each premium or assessment paid or payable by him, or premium note given or mutual or other liability assumed by him for a fire hazard under each insurance contract with an unlicensed company during the current calendar year, less return premiums, assessments and other similar rebates, as shown by his returns to the superintendent.

## Section 49

Each insurance company shall pay to the Commissioner of Income Tax at Victoria the contribution due from it at the same time and manner as the tax under the *Insurance Premium Tax Act*. Each insured person shall pay to the superintendent his contribution in the same manner and time as the tax imposed on him by the *Insurance Act*.

## Section 50

Salaries and expenses necessarily incurred in the administration of this Act shall, in the absence of a vote of the Legislature for that purpose, be paid out of the consolidated revenue fund. If the money collected under this Act is in any year less than the salaries and expenses, the Lieutenant Governor in Council may fix a further sum, subject to the limitation in section 48, to be contributed by the persons and in the manner set out in that section, to meet the deficiency.

## Section 51

1. The fire commissioner shall keep an account of the money expended in the administration of this Act, and shall furnish the Lieutenant Governor in Council with the information he may require to fix the rate of contribution under section 48 or 50.
2. The superintendent shall keep an account of the amounts received by him under section 49 or 50, and on request shall furnish the fire commissioner with a statement of them.

#### Section 52

All license and other fees, money and fines collected or recovered under this Act or regulations shall be accounted for as part of the consolidated revenue fund.

#### <sup>3</sup> *Fire Services Amendment Act, 1982*

##### Chapter 49

Her MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. Sections 48 and 49 of the *Fire Services Act*, R.S.B.C. 1979 c.133, are repealed and the following substituted:

#### Imposition of tax

48. (1) In this section, 'commissioner' means commissioner as defined in the *Insurance Premium Tax Act*.
- (2) An insurance company transacting the business of fire insurance in the Province shall pay to the commissioner a tax equal to the portion prescribed by the Lieutenant Governor in Council of the aggregate of the premiums and assessments received or receivable by the company in 1983 or any subsequent calendar year for policies insuring property situated in the Province, other than automobiles, after deducting the following:
  - (a) premiums or assessments on property reinsurance ceded to the company by other insurance companies licensed or authorized by permit under the *Insurance Act* to transact business in the Province:
  - (b) property insurance premiums or assessments returned:
  - (c) the cash value of dividends paid or credited to property insurance policy holders.
- (3) A person whose property is insured against a fire hazard with an insurance company that is not licensed under the *Insurance Act* shall pay to the superintendent a tax equal to the portion prescribed by the Lieutenant Governor in Council of the
  - (a) premium or assessment paid or payable,
  - (b) premium note given, or
  - (c) mutual or other liability assumed
 by the person for property insurance under each insurance contract with an unlicensed insurance company in 1983 or any subsequent calendar year.

#### Application of *Insurance Premium Tax Act* and *Insurance Act*

49. (1) Subject to this section, the *Insurance Premium Tax Act* applies in respect of the tax payable under section 48
  - (2) Commencing on January 1, 1983, section 4.1 of the *Insurance Premium Tax Act* applies to an insurance company whose tax payable, under section 48 of this Act, in the preceding calendar year exceeded \$25,000
  - (3) Part 9 of the *Insurance Act* applies in respect of the tax payable under section 48 (3).
2. Section 50 is repealed.
  3. Section 51 is amended
    - (a) in subsection (1) by striking out "of contribution under section 48 or 50" and substituting "of tax under section 48", and
    - (b) in subsection (2) by striking out "section 49 or 50" and substituting "section 48"



January 13, 2020

Mayor Dennis Dugas  
 District of Port Hardy  
 Box 68  
 Port Hardy, BC V0N 2P0



**RE: Resolution 2017-B61 Follow Up**

Dear Mayor Dugas,

Thank you for your letter dated January 8 regarding resolution 2017-B61 – Funding for Fire Equipment.

As you noted, this resolution was endorsed by the UBCM membership in 2017 and conveyed to the Province. UBCM would have shared the provincial response with Port Hardy's council of the day.

The UBCM Executive assess the provincial responses received each year to determine where UBCM might best focus our resources regarding follow up and further work with the province on resolutions. The Executive determined that 2017-B61 best fit in the category of monitoring the Province's progress on the issues raised and to provide input if required.

For your reference, enclosed is a copy of 2017-B61, the resolutions committee comments and the provincial response. As noted in the resolutions committee comments the request in 2017-B61 is in keeping with previous member requests.

*"The Committee notes, however, that members have consistently endorsed resolutions seeking sources of funding for first responder supplies and equipment (2014-B15, 2012-B10, 2010-B6, 2000-B15, 1993-A5, 1993-B40). Based on this member feedback, during the negotiation of the renewed Gas Tax Agreement (2014) UBCM advocated, unsuccessfully, for the inclusion of emergency response infrastructure as an eligible expense within the Gas Tax Agreement."*

In 2014, UBCM attempted to have fire-fighting equipment included as an eligible expense under the Gas Tax Agreement. While unsuccessful, this is the type of advocacy work that UBCM does on behalf of our members to move forward the requests contained in endorsed resolutions.



-2-

Our members are also encouraged to advocate for their endorsed resolutions. Should Port Hardy wish to take further steps to see the request contained in resolution 2017-B61 adopted, we would recommend they reach out to, for example, their local MLA, the Minister of Finance and the Minister of Forests, Lands, Natural Resource Operations and Rural Development to let them know that this is still an issue they would like to see action on. You may also want to reference the other endorsed resolutions on this topic (2014-B15, 2012-B10, 2010-B6, 2000-B15, 1993-A5, 1993-B40), so the Province understands that this is a long-standing policy position of the members of UBCM.

For your information, all of the resolutions considered at each UBCM convention, and the responses we receive, are posted to our searchable resolutions database, available here: <https://www.ubcm.ca/resolutions/default.aspx>

Should you have any questions, please contact myself or Jamee Justason, Resolutions and Policy Analyst, at 604-270-8226 Ext. 100 or [jjustason@ubcm.ca](mailto:jjustason@ubcm.ca)

Yours truly,

A handwritten signature in black ink that reads "Maja Tait".

Maja Tait  
UBCM President

Enclosure

## 2017 B61 Funding for Fire Equipment

Whereas communities are required to provide essential services including fire safety, and emergency vehicles and equipment for fire safety are costly;

And whereas grants for emergency equipment have all but disappeared since the early 2000's, with small communities required to fund 100 per cent of emergency equipment through taxation:

Therefore be it resolved that UBCM request the Province of British Columbia to create grants for emergency vehicles and equipment and make them available to **all local governments** at a cost share of no less than 50 per cent.

**Convention Decision:                      Endorsed as Amended**

### Provincial Response

#### **Ministry of Public Safety & Solicitor General**

*The Province of British Columbia is committed to advocate on behalf of UBCM and BC local governments that, in addition to disaster mitigation, emergency preparedness be an eligible category for local government projects under the Gas Tax Agreement.*

*Provincial officials will discuss with their federal counterparts the eligibility of this type of capital purchase in the development of the Rural and Northern Communities Infrastructure stream, part of the federal government's Investing in Canada Plan.*

*Although local governments are not eligible to receive Community Gaming Grants, not-for-profit organizations delivering emergency services to communities may be eligible to apply for funding through the Public Safety Sector or the Capital Projects Sector of the Community Gaming Grants Program.*

*UBCM has launched the \$32 million Community Emergency Preparedness Fund, funding for which was announced by the Province in March 2017. The fund is not intended to support local government's emergency management capital costs; however, it is intended to support enhanced preparedness and resilience as key elements of a local government's emergency program. As such, some emergency equipment purchases may qualify for funding consideration.*

### Other Response

#### **Resolutions Committee Comments**

*The Resolutions Committee advises that the UBCM membership has not previously considered a resolution asking the Province to establish a grant funding program for local governments with population under 100,000, that would provide at least 50% provincial funding towards emergency vehicles and equipment.*

*The Committee notes, however, that members have consistently endorsed resolutions seeking sources of funding for first responder supplies and equipment (2014-B15, 2012-B10, 2010-B6, 2000-B15, 1993-A5, 1993-B40). Based on this member feedback, during the negotiation of the renewed Gas Tax Agreement (2014) UBCM advocated, unsuccessfully, for the inclusion of emergency response infrastructure as an eligible expense within the Gas Tax Agreement.*

*The Resolutions Committee would observe that resolutions that set population limits have been divisive amongst the UBCM membership. Local governments of all sizes—not only smaller municipalities or regional districts—are faced with bearing the full costs of emergency equipment. The Committee would propose an amendment to acknowledge this reality.*

*The Committee would also note that, following a March 2017 provincial announcement, UBCM will be*

*administering the new \$32 million Community Emergency Preparedness Fund. This new funding program will include a funding stream that focusses on building capacity for Emergency Social Services teams through new equipment, training and volunteer recruitment/retention.*



## Joseph Rotenberg

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**Subject:** FW: Announcing the British Columbia Reconciliation Award  
**Attachments:** BCReconciliationAward-Award\_Information.pdf; BCReconciliationAward-NominationPacket.pdf; BCReconciliationAward-Resources.pdf; BCReconciliationAward-SocialMediaGraphic.jpg

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**From:** Brownridge, Jerymy FIN:EX <[Jerymy.Brownridge@gov.bc.ca](mailto:Jerymy.Brownridge@gov.bc.ca)>  
**Sent:** November 18, 2020 12:26 PM  
**To:** Info Ucluelet <[info@ucluelet.ca](mailto:info@ucluelet.ca)>  
**Cc:** Marilyn McEwen <[mmcewen@ucluelet.ca](mailto:mmcewen@ucluelet.ca)>  
**Subject:** Announcing the British Columbia Reconciliation Award

Hello,

It is my great privilege to share with you a letter from the Honourable Janet Austin, Lieutenant Governor of British Columbia, and Judith Sayers, President, Nuu-chah-nulth Tribal Council, and BC Achievement Foundation Board Member, announcing the launch of the British Columbia Reconciliation Award.

On behalf of the Office of the Lieutenant Governor of British Columbia, I sincerely hope this initiative inspires well deserved recognition of individuals or organizations from your network or community.

Sincerely,

Jerymy Brownridge  
Private Secretary and Executive Director  
Office of the Lieutenant Governor



**British Columbia  
Reconciliation Award**

November 18, 2020

Marilyn McEwen  
Councillor  
District of Ucluelet  
PO Box 999  
Ucluelet, BC V0R 3A0

Dear Councillor:

The Office of the Lieutenant Governor of British Columbia, in partnership with the [BC Achievement Foundation](#), is honoured to announce the launch of the British Columbia Reconciliation Award, recognizing individuals, groups and organizations who have demonstrated exceptional leadership, integrity, respect and commitment to furthering reconciliation or inspired others to continue reconciliation efforts.

This award celebrates the promise of a shared path to reconciliation through the incredible work of leaders from all over British Columbia, whose commitment to recognizing past injustices and healing those wounds will lead us all to a brighter future. A selection committee for the BC Reconciliation Award will include representation by Indigenous Elders, BC First Nations leadership and government partners.

The Honourable Janet Austin, Lieutenant Governor of British Columbia, is deeply committed to strengthening the ever-evolving relationship between the Crown and Indigenous peoples. This commitment includes her participation in the actions that further reconciliation and her support of endeavours that promote truth and understanding, including this new award.

The BC Achievement Foundation has several established programs honouring excellence and inspiring achievement throughout British Columbia, including the Indigenous Business Award and the Fulmer Award in First Nations Art. It is the hope of Judith Sayers, BC Achievement Foundation board member, that this award will not only recognize the truths of past wrongs but will also showcase examples of how to make things right, and inspire others to follow.

Consider your community and the efforts of the Elders, leaders, and neighbours who strive to further reconciliation. The nominations process is open to any individuals and organizations of Indigenous and non-Indigenous identity who have shown exemplary dedication to asserting truth and reconciliation initiatives. We encourage you to nominate those brightest among us.

Reconciliation must take root in our hearts, within families, between generations, and throughout our communities. We look forward to supporting this award and its deeply meaningful goal of building our relationships with each other across cultures and social barriers.

As leaders in our province, we humbly ask you to help spread the word in your community to nominate an individual or organization today using the BC Reconciliation Award nomination form on the [BC Community Achievement Foundation website](#). The nomination period will close on January 15, 2021.

Please find attached a graphic for sharing on social media, a package of resources for nominating, and information about the BC Reconciliation Award.

Sincerely,



The Honourable Janet Austin  
Lieutenant Governor of British Columbia



Judith Sayers  
President, Nuu-chah-nulth Tribal Council  
BC Achievement Foundation Board Member





## British Columbia Reconciliation Award

The Office of the Lieutenant Governor of British Columbia, in partnership with the BC Achievement Foundation, is pleased to announce the launch of the British Columbia Reconciliation Award. This award recognizes individuals, groups and organizations who have demonstrated exceptional leadership, integrity, respect and commitment to furthering reconciliation with Indigenous peoples in the province of British Columbia, or inspired others to continue reconciliation efforts.

The Honourable Janet Austin, Lieutenant Governor of British Columbia, has made Reconciliation one of the key themes of her mandate. This includes participation in promotion of public awareness of the ongoing journey of reconciliation.

“As the Crown’s representative in British Columbia, I have a responsibility to show leadership in furthering the cause of reconciliation. I am deeply honoured for this opportunity to recognize the exemplary individuals and organizations who advance reconciliation in our province,” said Austin. “Reconciliation must take root in our hearts, within families, between generations, and throughout our communities. I look forward to supporting this award and its deeply meaningful goal of building our relationships with each other across cultures and social barriers.”

The BC Achievement Foundation has several established programs honouring excellence and inspiring achievement throughout British Columbia, including the Indigenous Business Award and the Fulmer Award in First Nations Art.

"Reconciliation builds relationships and bridges the gap between two worlds through the efforts of both Indigenous and non-Indigenous peoples. By recognizing the truths of past wrongs and showcasing examples of how to make things right, others will be inspired to follow," said BC Achievement Foundation board member Judith Sayers. "The British Columbia Reconciliation Award will celebrate innovative and empowering ways to embark on this journey, designed and decided by Indigenous peoples, allowing them to thrive while making the world a better place."

The British Columbia Reconciliation Award draws inspiration from the work of the Honourable Steven Point, 28<sup>th</sup> Lieutenant Governor of British Columbia, and a founder of the Award. His hand-carved red cedar canoe, Shxwxitostel, currently on display at the BC Legislature buildings, was created as a symbol of reconciliation, with the understanding that “we are all in the same canoe” and must “paddle together” to move forward.

“It is a very proud moment for me to witness the launch of the British Columbia Reconciliation Award,” said Point. “Our world and its issues are not apart from us but rather are a part of who

we are. We must not stand by and observe the world but rather take steps to bring positive change.”

A selection committee for the British Columbia Reconciliation Award will include representation by Indigenous Elders, BC First Nations leadership and government partners.

Nomination forms are now available on the BC Achievement Foundation website, [bcachievement.com](http://bcachievement.com). The nomination period will be open until January 15, 2021.



**BC Achievement  
Foundation**

## British Columbia Reconciliation Award



Office of the  
Lieutenant  
Governor of  
British Columbia

### Overview

The British Columbia Reconciliation Award was created to recognize individuals, groups and organizations who have demonstrated exceptional leadership, integrity, respect and commitment to furthering [Truth and Reconciliation](#) in the Province of BC; and/or inspired others to do so.

### Why Nominate

The Award program provides an opportunity to publicly acknowledge the work of those individuals, groups and organizations committed to furthering the [Principles of Reconciliation](#).

Any person, group or organization may submit nominations for the Award *except* current members of the selection committee, or members of their immediate family.

### Who is Eligible

- Any British Columbian (or former long-term resident) or British Columbia-based group/organization that has demonstrated an exceptional commitment to advancing the principles of reconciliation in British Columbia is eligible to receive the Award.
- A person who is a member of the judiciary is *not eligible* for the Award.
- A person who is an elected federal, provincial or municipal representative is eligible to receive the Award while that person remains (is) in office.
- Chiefs or other members of a governing body of an Indigenous nation are eligible to receive the Award.
- There is no age requirement for the Award. Nominations of any individual under the age of 19 shall be accompanied by the permission of a parent or guardian.
- A person may receive the Award posthumously only if the selection committee has recommended the nomination to the Lieutenant Governor before their passing.
- A person, group or organization may not nominate themselves (i.e. self-nominations are not eligible).

### Selection of Awardees

A selection committee for the British Columbia Reconciliation Award will include representation by Indigenous Elders, BC First Nations leadership, and the Ministry of Indigenous Relations and Reconciliation.

### Recognition of Awardees

The British Columbia Reconciliation Award is awarded by the Lieutenant Governor on the recommendation of the selection committee. Unless the Lieutenant Governor directs otherwise, the Awards shall be presented to the recipients as arranged by the Office of the Lieutenant



Governor. This may occur in community, or at other locations, to be determined during the year of the awards. Awardees may receive a certificate signed and presented by the Lieutenant Governor and a recognition piece.

### Dates to Remember

- November 12, 2020 – Nominations OPEN
- January 15, 2021 – Nominations CLOSE

All nominations must be submitted online by January 15, 2021 (all materials must be received by 11:59pm).

### How to Nominate/Apply

A completed nomination must include:

- A nomination form completed in full and signed by the nominator.
- A minimum of two signed testimonial letters from two separate individuals, other than the nominator. The letters must be signed by the testimonial writer and include his/her contact information (address, telephone number and email).

Submission of additional materials such as a biography, curriculum vitae, newspaper articles, video or recorded testimonials, links to YouTube videos, photos, etc., *is optional*. **A maximum of five items (10 pages total and five minutes of video) will be accepted.** All materials must be submitted electronically.

Visit [Resources](#) to download the guide for the British Columbia Reconciliation Award program, "Tips for a Compelling Nomination".

### Please note:

- Incomplete nominations are ineligible for consideration.
- If more than one nomination is submitted for the same nominee, only the first nomination received will be considered.
- Nominations are valid for **three years** including the first year of nomination and two subsequent years and should be updated annually by request of the nominator.
- Nominations are kept confidential between the nominator and BC Achievement.
- Nominees are notified **only** if selected for an award.



### **1. What should be said in a testimonial letter?**

A testimonial letter should: include details about how the nominee has demonstrated exceptional leadership, integrity, respect and commitment to furthering reconciliation with Indigenous peoples in the province of BC and/or inspired others to continue reconciliation efforts; indicate the relationship between the writer and the nominee and the length of the relationship; describe the outcomes of the work the nominee has done to advance the principles of reconciliation and how the nominee's work has specifically impacted youth and/or Indigenous Elders.

### **2. To whom should the testimonial letter be addressed?**

Letters should be addressed to the selection committee. All letters must be signed by the writer and include his/her contact information.

### **3. Can more than two testimonial letters be submitted?**

Other testimonial letters may be submitted as 'additional materials'. A maximum of five items i.e. additional materials (10 pages total and five minutes of video) will be accepted. These five items may also include biography, curriculum vitae, newspaper articles, video or recorded testimonials, links to YouTube videos, photos etc.

### **4. Are congratulatory letters from other programs accepted in the nomination package?**

Other congratulatory letters may be included as additional materials, but they may not serve as testimonials letters. Testimonial letters must be current and be specific to the nomination of the British Columbia Reconciliation Award.

### **5. Is a nomination considered for more than one year?**

Submitted nominations begin a three-year program during which time the information can be reviewed by up to three juries. Nominators are given the opportunity to update their nomination each year prior to review by the selection committee.

### **6. Should the nominator tell the nominee about the nomination?**

It is up to the discretion of the nominator whether or not to inform the nominee about the nomination.

### **7. When are the awardees notified and where are the names of the awardees published?**

Awardees will be notified following the deliberations of the selection committee by BC Achievement. Their names will be announced through the Lieutenant Governor's and BC Achievement's respective media channels.



**BC Achievement  
Foundation**



Office of the  
Lieutenant  
Governor of  
British Columbia

## Tips for Submitting a Compelling Nomination

The British Columbia Reconciliation Award was created to recognize individuals, groups and organizations who have demonstrated exceptional leadership, integrity, respect and commitment to furthering [Truth and Reconciliation](#) in the Province of British Columbia; and/or inspired others to do so. Each nomination must include a nomination form completed in full and signed by the nominator and a minimum of **two signed testimonial letters** from two separate individuals, other than the nominator.

### To make a testimonial letter stand out, it should:

- Include details and concrete examples about how the nominee has demonstrated exceptional leadership, integrity, respect and commitment to furthering reconciliation with Indigenous peoples in the province of BC and/or inspired others to continue reconciliation efforts;
- Indicate the relationship between the writer and the nominee and the length of the relationship;
- Describe the outcomes of the work the nominee has done to advance the [Principles of Reconciliation](#) and how the nominee's work has specifically impacted youth and/or Indigenous Elders; and
- Be current and written specifically for the British Columbia Reconciliation Award program.

### A compelling testimonial letter may also include other details such as:

- How things were in the community prior to the nominee's efforts;
- The sustainability of their contribution/s;
- How their efforts have positively impacted the community or province;
- Any extraordinary circumstances or challenges the nominee has faced (i.e. provide biographical or historical context, if helpful); and
- Why the jury should select this submission above the others.

Submission of additional materials such as a biography, curriculum vitae, newspaper articles, video or recorded testimonials, links to YouTube videos, photos, etc., *is optional* but strongly recommended to give context and texture to the nomination. **A maximum of five items i.e. additional materials (10 pages total and five minutes of video) will be accepted.**

### Note:

- Be concise. When describing a nominee, keep explanations clear and to the point.
- Strong nominations often use descriptive words to describe the nominees such as: advocate, leader, innovator, trailblazer, mentor, supporter, commitment, dedication, recognition, determination, exemplary, admired, motivated, passionate, inspirational, extraordinary, resourceful, persevering, tireless, resilient.
- Proofread all documents before submitting them.



November 2, 2020

Ref: 257671

Mark Boysen  
 Chief Administrative Officer  
 District of Ucluelet  
 PO Box 999  
 Ucluelet BC V0R 3A0

Dear Mark Boysen:

The provincial government understands the fiscal impacts that COVID-19 has placed on local service providers. To help address these challenges, in September the Province of British Columbia announced nearly \$2 billion in joint federal/provincial spending, including: \$540 million for local governments, \$418 million for community infrastructure, and \$1 billion for transit, TransLink and ferries.

The \$540 million for local governments was further divided into three funding streams. Two of the streams (“Development Services” for \$15 million and “Strengthening Communities” for \$100 million) will be application-based funding. More information on these funding streams will be forthcoming.

The third stream will provide direct grants to local governments. This funding stream is called the “COVID-19 Safe Restart Grants for Local Governments” and will provide up to \$425 million for local operations impacted by COVID-19. This funding will support local governments as they deal with increased operating costs and lower revenue due to COVID-19. It will also ensure local governments can continue to deliver the services people depend on in their communities. Eligible costs will include:

- addressing revenues shortfalls;
- facility reopening and operating costs;
- emergency planning and response costs;
- bylaw enforcement and protective services like fire protection and police;
- computer and other electronic technology costs (to improve interconnectivity and virtual communications);
- services for vulnerable persons (e.g. persons living with disabilities, mental illness or addictions, persons experiencing homelessness or other vulnerabilities); and
- other related costs.

I am pleased to advise you that **Ucluelet** is the recipient of a **\$764,000** grant under the COVID-19 Safe Restart Grant for Local Governments. This amount will be directly transferred to your local government in the coming days.

.../2

Mark Boysen  
Page 2

Under section 36 of the Local Government Grants Regulation, the amount of the grant to each local government is set by Minister of Municipal Affairs and Housing. The determination of this amount was based on a formula that applies to all municipalities.

This formula is based on two components: a flat funding amount and an “adjusted per-capita” amount. The flat amount is \$169,000, and the “adjusted per-capita” amount is \$308.34 per adjusted population.

The adjusted population formula is designed to ensure that larger municipalities receive more money than smaller ones, but that smaller municipalities receive higher per capita funding than larger ones. This is because small municipalities often lack a diverse tax base and the economies-of-scale to easily restart their operations.

An example of the funding formula (for a municipality of 43,000 people) is provided as an attachment to this letter. If you wish, you can apply this formula to your 2018 population of **1,930** to determine both your adjusted population and total funding amount. 2018 population data was used because it is the last year in which we have complete financial and demographic data for each municipality.

To ensure full transparency regarding the use of funds, your local government will be required to annually report on how it spent this grant. This will be part of your annual financial reporting under section 167 of the Community Charter. Your local government will provide a schedule to the audited financial statements respecting the amount of funding received, the use of those funds, and the year-end balance of unused funds. Your local government must continue to annually report on the use of grant money until the funds are fully drawn down.

If you have questions or comments regarding this letter, please feel free to contact Jennifer Richardson, Grants Analyst, Local Government Infrastructure and Finance Branch, by email at: [Jennifer.Richardson@gov.bc.ca](mailto:Jennifer.Richardson@gov.bc.ca), or by phone at: 778 698-3243.

The provincial government welcomes this opportunity to support COVID-19 restart and recovery throughout British Columbia. We believe that this funding will contribute to the long-term recovery of local governments who are both critical service providers and crucial drivers in the British Columbia economy.

Sincerely,



Kaya Krishna  
Deputy Minister

Attachment

pc: Jennifer Richardson, Grants Analyst, Local Government Infrastructure and Finance Branch  
Donna Monteith, Chief Financial Officer, District of Ucluelet



**Attachment: Example Calculation for a Municipality with 43,000 People**

**City of Rockridge**

Population	<b>43,000</b>
Adjusted Per Capita Funding	<b>\$308.34</b> per adjusted population
Flat Funding Amount	<b>\$169,000</b>

**Funding model**

A		B		E = C (up tp 43,000)		
Population Range		C=B-A	D	Rockridge Pop	F = E x D	F
From	to	Range	Adjustmen t Ratio	Rockridge Pop	Adjusted Pop Calc	Adjusted Pop
-	2,000	2,000	1	2,000	= 2,000 x 1	2,000
2,001	5,000	3,000	0.8	3,000	= 3,000 x 0.8	2,400
5,001	10,000	5,000	0.6	5,000	= 5,000 x 0.6	3,000
10,001	20,000	10,000	0.4	10,000	= 10,000 x 0.4	4,000
20,001	40,000	20,000	0.2	20,000	= 20,000 x 0.2	4,000
40,001	150,000	110,000	0.1	3,000	= 3,000 x 0.1	300
150,001	900,000	750,000	0.05	-	= 0 x 0.05	-
Sum				<b>43,000</b>		15,700 $G=\Sigma F$
				Per capita funding		<b>\$308.34</b> H
				Funding per Adjusted Pop		4,840,938 $I=GxH$
				Flat Funding Amount		<b>169,000</b> J
				Total Funding Amount		<b>5,009,938</b> $K=I+J$

Thus, a municipality with a population of 43,000 would have an adjusted population of 15,698. With per capita funding of \$308.34, the funding per adjusted population would \$4.84 million. Plus a flat funding amount of \$169,000, the total funding to this municipality would be \$5.009M.

The Population data was taken from the Ministry's Local Government Stats System for 2018 (Schedule 201).  
<https://www2.gov.bc.ca/gov/content/governments/local-governments/facts-framework/statistics/statistics>





## STAFF REPORT TO COUNCIL

Council Meeting: November 24, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

**FILE NO:** 2240-65

**SUBJECT:** UCLUELET SECONDARY SCHOOL GENERATOR AGREEMENTS

**REPORT NO:** 20-127

**ATTACHMENTS:** APPENDIX A – UCLUELET SENIOR SECONDARY EMERGENCY USE AGREEMENT  
APPENDIX B – FUNDING AGREEMENT – USS EMERGENCY GENERATOR

### **RECOMMENDATION(S):**

1. **THAT** Council authorize the District of Ucluelet’s authorized signatories to enter into the “Ucluelet Senior Secondary Emergency Use Agreement.”
2. **THAT** Council authorize the District of Ucluelet’s authorized signatories to enter into the “Funding Agreement – USS Emergency Generator.”

### **PURPOSE:**

To obtain Council’s authorization to enter into the Ucluelet Senior Secondary Emergency Use Agreement (the “Joint Use Agreement”) and the Funding Agreement – USS Emergency Generator (the “Funding Agreement”).

### **BACKGROUND:**

The Ucluelet Secondary School field is a District of Ucluelet designated emergency community assembly area and the Secondary School gym is a designated reception centre. The gym is not currently fitted with an emergency generator. During the 2020 budget process, Council identified this gap and allocated \$180,000 from the Barkley Community Forest Fund in the Five Year Financial Plan (2020-2024).

Staff have been working with the Ucluelet Secondary School (the “SD70”) representatives to negotiate the Joint Use (**See - Appendix A**) and Funding Agreements (**See - Appendix B**).

Under the draft Funding Agreement, SD70 would be required to purchase and install 150 kW genset (the “Generator”) and complete all infrastructure associated with powering the gym. SD70 would also be responsible for maintaining the Generator. In return, the District would pay the total cost of the project including GST up to a maximum of \$180,000 in two equal installment payments. The first installment is due 30 days after execution of the Funding Agreement and the second installment is due at completion of the project. The Funding Agreement establishes that SD70 may use the Generator to supplement power when necessary and the District will be permitted to use the Generator upon substantial completion of the project which is anticipated to be in March of 2022.

Staff used the Funding Agreement negotiation process to introduce a Joint Use Agreement. This agreement reiterates SD70’s responsibility to maintain the Generator and formalizes the District’s ability to access the gym and associated amenities (washrooms) during emergencies.

**POLICY OR LEGISLATIVE IMPACTS:**

Entering into these Agreements should result in the installation of a Generator at the Ucluelet Secondary School gym and formalize the District's ability to access the Gym in the event of an emergency. Completion of the Generator installation will better position the District to manage emergencies that result in extended power outages.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

Nominal staff time will be required to follow up with the parties and coordinate execution of the Agreement.

**FINANCIAL IMPLICATIONS:**

No additional tax implications will flow from the recommended resolutions as the funding for the Generator purchase and installation was allocated in the Five Year Financial Plan (2020-2024).

**OPTIONS REVIEW:**

1. **THAT** Council authorize the District of Ucluelet's authorized signatories to enter into the "Ucluelet Senior Secondary Emergency Use Agreement." **(Recommended)**
2. **THAT** Council authorize the District of Ucluelet's authorized signatories to enter into the "Funding Agreement – USS Emergency Generator." **(Recommended)**
3. **THAT** Council provide alternative direction to Staff.

**Respectfully submitted:**      Joseph Rotenberg, Manager of Corporate Services  
    Rick Geddes, Fire Chief

## UCLUELET SENIOR SECONDARY EMERGENCY USE AGREEMENT

## Appendix A

This AGREEMENT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2020, is

## BETWEEN:

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 70 (ALBERNI)  
2941 8<sup>th</sup> Avenue, Port Alberni, B.C. V9Y 2K5

("SD70")

## AND:

DISTRICT OF UCLUELET  
200 Main Street, Ucluelet, B.C. V0R 3A0

(the "District")

## WHEREAS:

- A. SD70 is the owner and operator of Ucluelet Secondary School (the "School") located at 1450 Peninsula Road, Ucluelet, British Columbia, on land legally described as:
- PID: 001-288-270  
Lot 10, District Lot 282, Clayquot District, Plan 30080;
- B. The School will undergo currently renovations as part of a capital project (the "Project") scheduled to be completed in March of 2022.
- C. The parties entered into an agreement dated for reference \_\_\_\_\_ (the "Funding Agreement") under which SD70 agreed to purchase and install in the School an emergency generator and related appurtenances (referred to as the "Works" in the Funding Agreement and herein) and the District agreed to contribute up to \$180,000 to SD70's costs of doing so; and
- D. Under the Funding Agreement, it is a condition precedent to the obligations of the District that the parties enter into an agreement for the joint use of the School during emergency events.

NOW THEREFORE, in consideration of the mutual agreements and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which the parties each acknowledge, the parties agree as follows:

1. Term – The term of this Agreement is 30 years, commencing on the date this Agreement is fully executed.

2. Operation & Maintenance – SD70 shall, at its sole cost and expense, operate and maintain the Works in good working order and in compliance with all applicable codes and industry best practice. This includes all fuel, inspection, certification and general maintenance costs related to the Works.
3. Access Rights – Commencing upon the Substantial Completion of the Project, and completion of the Works, and in accordance with the Funding Agreement, the District may access and permit the public to access the School gymnasium and associated amenities, including washrooms, and use the Works in accordance with the terms of this Agreement. In accordance with its normal meaning, “Substantial Completion” is achieved when the Project is deemed sufficiently completed to the point where SD70 can use the School for its intended purpose.
4. Emergency Access – The District’s rights in section 3 may only be exercised when a state of emergency applicable to the District has been declared under the provisions of the *Emergency Program Act*, including but not limited to the declaration of a local state of emergency, and during other emergencies in respect of which, in the reasonable opinion of the Chief Administrative Officer, the public would benefit from occupying the School gymnasium and using the Works.
5. Reasonable Rules and Regulations – During its use of the School gymnasium and the Works the District shall follow such reasonable rules, regulations, policies and codes of conduct established by SD70 from time to time.
6. No Public Use of Generator – The District shall not suffer or permit public use of the generator or the Works during its use of the School.
7. Keys, Codes – No later than the date of substantial completion of the Works, SD70 shall furnish the District with such keys, keycodes and other devices or information necessary for the District to obtain access to the School gymnasium during an emergency. Upon the termination of this Agreement the District shall surrender all keys and other devices to SD70.
8. Time – Time will be of the essence in this Agreement.
9. Relationship – The parties confirm, acknowledge, and agree that nothing in this Agreement shall constitute either party as the agent, joint venturer, or partner of the other party, or give one party any authority or power to bind the other party in anyway.
10. Waiver – No indulgence or forbearance by either party shall be deemed to constitute a waiver of its rights to insist on performance in full and in a timely manner of all covenants of the other party, and any such waiver must be in writing and signed by the party giving the waiver and then such waiver shall only be effective in a specific instance and for the specific purpose for which it is given.
11. Severability – Should any provision of this Agreement be deemed unenforceable by law,

in whole or in part, then such provisions shall be severed from the Agreement while all other provisions shall continue to be valid and enforceable.

- 12. Further Assurances – The parties will execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
- 13. Costs – Except as expressly set out in this Agreement, SD70 shall be solely responsible for all costs of operating and maintaining the School and the Works.
- 14. Entire Agreement – This Agreement constitutes the entire agreement of the parties with respect to its subject matter and supersedes all previous communications, written and verbal.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the dates noted below.

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 70 (ALBERNI)  
by its authorized signatories:

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

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

Date \_\_\_\_\_

DISTRICT OF UCLUELET  
by its authorized signatories:

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

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

Date \_\_\_\_\_

## Appendix B

## FUNDING AGREEMENT – USS EMERGENCY GENERATOR

DATED August 1, 2020

BETWEEN SCHOOL DISTRICT 70 (ALBERNI)  
2941 8<sup>th</sup> Avenue, Port Alberni, BC V9Y 2K5  
("SD70")

## OF THE FIRST PART

AND DISTRICT OF UCLUELET  
200 Main Street, Ucluelet, BC V0R 3A0  
("the District")

## OF THE SECOND PART

WHEREAS the District has desires to contract with SD70 to provide an Emergency Generator system as outlined herein and SD70 has agreed to purchase and operate this system and provide access and use to the District as outlined herein.

1. Term
  - 1.1. The term of this agreement shall be 30 (thirty) years, which is the anticipated design life for the generator system
  - 1.2. The term may be extended or shortened if both Parties agree in writing.
2. Scope of Work
  - 2.1.1. SD70 shall procure all services required for design and project management of the emergency generator system (the "Work").
  - 2.2. SD70 shall procure and install a 150 kW genset and all associated electrical infrastructure required to operate the gymnasium on emergency power, including:
    - 2.2.1. Branch circuits for genset blockheater and battery charger
    - 2.2.2. 600 A automatic transfer switch
    - 2.2.3. 500A-3P circuit breaker in Admin CDP board
    - 2.2.4. Feeder cables from: Admin CDP to ATS; ATS to Generator CDP board; and genset to ATS
  - 2.3. SD70 warrants that the Work shall be completed to meet all municipal and provincial legal requirements, including the BC Building Code and District of Ucluelet by-laws.
  - 2.4. SD70 shall provide all ongoing operating and maintenance costs necessary to maintain upkeep of the emergency generator system to meet code and industry best practice. This includes:
    - 2.4.1. Fuel costs



- 2.4.2. Inspection and certification costs
- 2.4.3. General equipment maintenance

### 3. Access and Operations

- 3.1. SD70 shall complete the Work as part of the Ucluelet Secondary School capital project (the “Project”), which is anticipated to achieve Substantial Completion by March 1, 2022. In accordance with its normal meaning, “Substantial completion” is achieved when the Project is deemed sufficiently completed to the point where SD70 can use the School for its intended purpose.
- 3.2. SD70 may use the generator system at its discretion to supplement power, including during power outage events.
- 3.3. The District shall be permitted to access and use the system following Substantial Completion of the Project, including the completion of the Work, in accordance with a joint-use agreement, made separately from this funding agreement. All District employees and subcontractors must comply with SD70 policies, regulations, and codes of conduct. Access and use shall continue for the Term of the Agreement.

### 4. Funding

- 4.1. The District will fund the total cost of the Scope of Work (outlined above) including GST, to SD70 for provision and use of this system, up to a maximum of \$180,000.
- 4.2. SD70 will procure the work and provide a full and transparent summary of the design and construction costs.
- 4.3. The District will pay SD70 in accordance to the following schedule:
  - 4.3.1. 50% of the total cost, as estimated by the summary provided to the District pursuant to section 4.2 - within 30 days of execution of this Agreement
  - 4.3.2. 50% of the total cost – upon completion of the Work
- 4.4. Prior to advancing the initial payment, the following conditions must be met:
  - 4.4.1. Design drawings provided that outline the Scope of Work
  - 4.4.2. Confirmation of the total cost, and provision of the quotes and tenders that make up this cost.
  - 4.4.3. Proof of insurance during construction
- 4.5. Prior to advancing the final payment, the following conditions must be met:
  - 4.5.1. A letter from the Engineer of Record that the Work has been completed in accordance with their design and all code and bylaw regulations.
- 4.6. Overdue payments shall accrue interest at a rate of Prime + 5%. Prime is defined as the Royal Bank of Canada posted overnight rate.
- 4.7. Should the Scope of Work not be completed within 3 years of the date of this Agreement, SD70 shall return to the District the payment made under section 4.3.1.

5. Additional Provisions

- 5.1. Subcontractor agrees to abide and uphold company policies, regulations, values and practices.
- 5.2. This contract constitutes the entire Agreement and supersedes all previous communication.
- 5.3. Should any provision of this Agreement be deemed unenforceable by law, in whole or in part, then such provisions shall be severed from the Agreement while all other provisions shall continue to be valid and enforceable.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the date noted below.

SCHOOL DISTRICT 70 (ALBERNI)

Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

DISTRICT OF UCLUELET

Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

--End of Agreement--



## STAFF REPORT TO COUNCIL

Council Meeting: November 24, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

**FILE NO:** 0550-20 AGENDA

**SUBJECT:** GARAGE EXEMPTION FROM CALCULATION OF F.A.R.

**REPORT NO:** 20-128

**ATTACHMENT(S):** APPENDIX A – UCLUELET ZONING AMENDMENT BYLAW NO. 1269, 2020  
APPENDIX B – EXCERPT OF ZONING AMENDMENT DISCUSSION FROM STAFF REPORT DATED MARCH 17, 2020  
APPENDIX C – EXCERPTS OF ADVERTISING OF MARCH 17, 2020, WAIVER OF PUBLIC HEARING AND INVITATION FOR PUBLIC INPUT FROM THE WESTERLY NEWS AND DISTRICT OF UCLUELET WEBSITE

### RECOMMENDATIONS:

1. **THAT** Council, with regard to the change to the definition of *Gross Floor Area* in Ucluelet Zoning Bylaw No. 1160, 2013, which was recently modified by Zoning Amendment Bylaw No. 1269, 2020, to remove the exemption of garage floor area from the calculation of Floor Area Ratio (F.A.R.), leave the bylaw as currently enacted and:
  - a. indicate to individual property owners who require garage floor area exemption for the development of their land that they have the option to apply for a site-specific zoning amendment;
  - b. monitor the number of such applications and inquiries which come forward over a period of time, before considering whether adjustments to the allowable F.A.R. - or further exemptions from the calculations of F.A.R. - are warranted; and,
  - c. consider directing staff to prepare, for consideration in the 2021 Budget process, a scope of work and cost estimate for consulting services for analysis and reporting on Floor Area Ratios in residential zones comparing built out neighbourhoods within similar communities, and potentially recommending adjustments to the Zoning Bylaw – for consideration in combination with other potential zoning amendments for housing in accessory residential units, better definition of short term rentals, etc. already being discussed for the 2021 work plan.

### DISCUSSION:

At its November 10, 2020, regular meeting Council passed the following resolution:

***“WHEREAS** our understanding in April was that Bylaw No. 1269, 2020, was specifically related to Lot 13 and its R-5 zoning, we now find it affects all zoning in the District. We would like to better understand the impact of these changes and would appreciate more insight into this matter;*

***THEREFORE, BE IT RESOLVED THAT** Council requests staff to write a report on the changes to Floor Area Ratios arising from Bylaw No. 1269, 2020, and its impacts.”*

Attached, for reference, are the Zoning Amendment Bylaw No. 1269, 2020 (**Appendix ‘A’**), excerpts from the staff report dated March 17, 2020 (**Appendix ‘B’**), and copies of the notice given for Bylaw No. 1269 (**Appendix ‘C’**).

Given that a number of long-range planning projects are already either underway or scheduled, reflecting the strategic priorities set by Council, staff recommend that the zoning bylaw be left in its current form for the time being. If the lack of a garage exemption proves to be a recurring issue for land-owners, then this could be brought back for Council’s consideration at any time.

Floor Area Ratio, or F.A.R., is the ratio of the total building floor area divided into the total lot area. F.A.R. is one component of zoning regulations which can define the maximum total building mass allowable on a property of a given size. The form and character of a neighbourhood develops over time, and can be shaped by regulations such as F.A.R. adopted by the community.

The use within a building, for example whether the space is used for a garage or a living room, is arguably immaterial to how the total building mass is experienced from the exterior on neighbouring properties and at the public street. Nevertheless, the exemption of some portions of a building’s gross floor area from the calculation of F.A.R. is sometimes used as an incentive for property owners to dedicate space to a particular use. In essence, the community may accept a more massive building if the building includes some portion which is seen as providing some benefit to the community. Council may wish to consider, if revisiting the exemptions from *Gross Floor Area*, what uses are most appropriate for such an exemption, and to what degree.

If Council wishes to consider a broad adjustment of Floor Area Ratios in existing residential zones, it would be appropriate to undertake a degree of research and analysis into comparable zoning regulations - and the resulting neighbourhood form which results - as properties are built out. Staff recommend that if this is the direction of Council, then it would be appropriate to include that work as part of the project to revisit regulations around accessory residential uses (suites and cottages) as well as short term rentals in the existing residential zones (currently anticipated 2021).

Should the garage floor area exemption be reinstated generally, then staff would recommend that such exemption should not apply within the smaller-lot R-4 or R-5 zones.

**OPTIONS:**

Staff recommend that property owners may use the option of applying for a site-specific amendment to suit their needs, should the F.A.R. prove limiting under the bylaw as it currently stands.

Alternatively, Council could consider the following:

2. **THAT** Council provide direction to staff, for the preparation of a draft Zoning Bylaw amendment, on whether exemptions to F.A.R. are to be considered as an incentive for the development of secondary land uses on residential properties which may provide a community benefit such as:
  - a. secondary suite;
  - b. accessory residential dwelling unit; and/or,
  - c. daycare facility as a home occupation; **or**,
  
3. **THAT** Council direct staff to prepare a draft Zoning Amendment Bylaw to reinstate the exemption of garage floor area from the calculation of F.A.R., except for properties with the R-4 or R-5 zoning designation, for future consideration and public input.

**Respectfully submitted:** Bruce Greig, Manager of Community Planning  
Mark Boysen, Chief Administrative Officer

**DISTRICT OF UCLUELET**

Appendix A

**Zoning Bylaw Amendment Bylaw No. 1269, 2020**

A bylaw to amend the District of Ucluelet Zoning Bylaw  
(Lot 13 Marine Drive – new R-5 Compact Single-Family Residential Zone).

---

**WHEREAS** Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

**NOW THEREFORE** the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

**1. Text Amendment:**

The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- A. By** replacing the definition of Gross Floor Area within Division 100 – Enactment and Interpretation, Section 103 Definitions, such that the new definition reads as follows:

“**Gross Floor Area**” means the total area of all floors of a *building(s)* or use within a *building* (as the case may be) on a *lot*, measured to the exterior walls of the *building*, specifically excluding only non-habitable portions of a *basement*.”

- B. By** amending within Division 300 – General Prohibitions and Regulations, Section 306 Buildings & Structures – Setbacks and Siting, such that “R-5” is added to the list of residential zones to which Section 306.3(7) applies.

- C. By** adding a new Residential zone, to Schedule B – The Zones that directly follows R-4 Zone – Small Lot Single Family Residential such that the new section reads as follows:

**“R-5 Zone – COMPACT SINGLE-FAMILY RESIDENTIAL**

*This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.*

**R-5.1 Permitted Uses**

R-5.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

- (1) Principal:
  - (a) *Single Family Dwelling*
- (2) Secondary:
  - (a) *Home Occupation*
  - (b) *Secondary Suite*

**R-5.2 Lot Regulations**

- R-5.2.1 Minimum Lot Size: 150 m<sup>2</sup> (1,615 ft<sup>2</sup>)
- R-5.2.2 Minimum Lot Frontage: 7.5 m (25 ft)

**R-5.3 Density:**

- R-5.3.1 Maximum Floor Area Ratio: 0.5
- R-5.3.2 Maximum Lot Coverage: 50%

**R-5.4 Maximum Size (Gross Floor Area):**

- R-5.4.1 Principal Building: 140 m<sup>2</sup> (1,500 ft<sup>2</sup>)
- R-5.4.2 Accessory Buildings: 10 m<sup>2</sup> (107 ft<sup>2</sup>) combined total

**R-5.5 Maximum Height:**

- R-5.5.1 Principal Buildings & Structures: 5 m (16.4 ft)
- R-5.5.2 Accessory Buildings & Structures: 3.5 m (11.5 ft)

**R-5.6 Minimum Setbacks:**

- R-5.6.1 The following minimum setbacks apply, as measured from the *front lot line*, *rear lot line* and *side lot lines(s)*, respectively:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard - Interior Setback	(d) Side Yard - Exterior Setback
(1) Principal	3 m (9.8 ft)	3 m (9.8 ft)	1.2 m (4 ft)	3 m (9.8 ft)
(2) Accessory		0 m	0 m	0 m

- R-5.6.2 In addition, no *accessory building* or access to a *parking space* may be located between the front face of the principal building and the street."



**2. Map Amendment:**

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 13, District Lot 283, Clayoquot Land District, Plan VIP84686 [PID 027-473-538] shown shaded on the map attached to this Bylaw as Appendix "A", from CD-5 Zone FORMER WEYCO FOREST LANDS CD-5C SubZone (Development Area 3) OCEANWEST CD-5C.1.2 AFFORDABLE HOUSING to R-5 Zone – COMPACT SINGLE-FAMILY RESIDENTIAL.

3. **Citation:** This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020".

**READ A FIRST TIME** this 17<sup>th</sup> day of March, 2020.

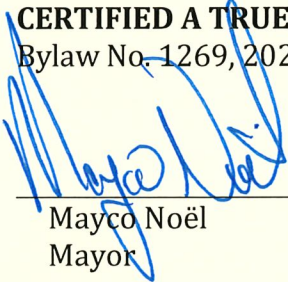
**READ A SECOND TIME** this 17<sup>th</sup> day of March, 2020.

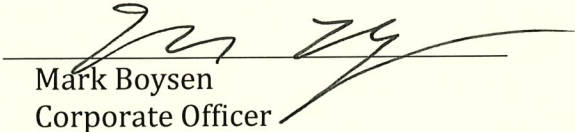
**PUBLIC HEARING WAS WAIVED** on 17<sup>th</sup> day of March, 2020.

**READ A THIRD TIME** this 28<sup>th</sup> day of April, 2020.

**ADOPTED** this 28<sup>th</sup> day of April, 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of "District of Ucluelet Zoning Amendment Bylaw No. 1269, 2020."

  
\_\_\_\_\_  
Mayco Noël  
Mayor

  
\_\_\_\_\_  
Mark Boysen  
Corporate Officer

**THE CORPORATE SEAL** of the District of Ucluelet was hereto affixed in the presence of:

  
\_\_\_\_\_  
Mark Boysen  
Corporate Officer



APPENDIX 'A'

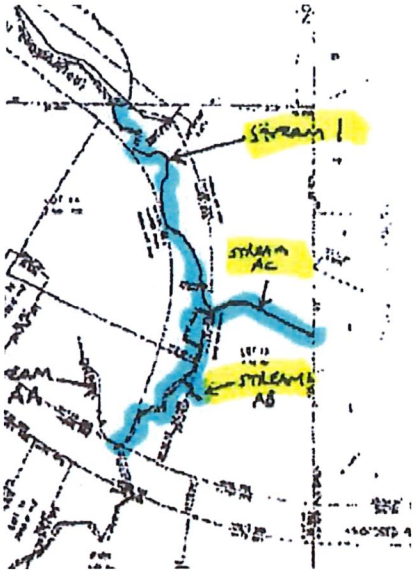
District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020

From: CD-5C.1.2 Affordable Housing  
To: R-5 Compact Single-Family Residential



Appendix B

Staff recommend that detailed grading and drainage plans, reviewed and developed with the guidance of a Qualified Environmental Professional, should inform future decisions on the Development Permit and subdivision of Lot 13.



**3.2.4 Draft MoU Partnership Agreement with the BC Housing AHOP program:**

A draft master partnering agreement between BC Housing and the District is provided in Appendix 'A'. This agreement sets out the framework where the cost savings achieved by the developer are captured by a second mortgage provided by BC Housing on the ownership units in the AHOP program (in this case, 24 ownership lots). Under the agreement, if these units sell and transition out of the program, then the value of those mortgages is returned to the District's affordable housing reserve account. The provincial AHOP program essentially provides an incentive for municipalities to reduce some of the costs of developing affordable housing supply. The end goal of the AHOP program is not to create permanently affordable housing units in this development, but to create new housing supply which is initially affordable (and may remain so for many years) and at the same time allow those qualifying home buyers to get into the market and begin building equity. Also, it should be stated that by nature of their design, these homes (small houses on small lots) are likely to remain more affordable in the long run than other types of housing. There is no residual development potential on the proposed lots; they are not suited to further subdivision or up-scaling of the houses on site.

At the time of writing this report, a statement from BC Housing has not yet been received to confirm their valuation of the proposed cost savings being achieved by the developer. Staff have provided the following summary and expect that, prior to a public hearing, confirmation of the project commitment will be available from BC Housing:

Municipal contribution to offset servicing:	\$320,000
Reduced road construction costs (as varied):	\$115,750
Cost savings by creating fee-simple subdivision:	<u>\$20,000</u>
total:	\$455,750

This does not include a factor of land value costs from density bonusing, or for Council's support for broadening the definition of "affordable housing" under the prior approvals affecting the potential to develop Lot 13 - this is an ongoing point of discussion between staff and BC Housing.

**3.3 Draft Zoning Amendment Bylaw No. 1269, 2020:**

A rezoning bylaw has been prepared to achieve three things (see **Appendix "B"**). Primarily, the bylaw would create a new R-5 zone for compact single-family development to suit the 33 proposed small lots.





Bylaw No. 1269 would also update the definition of "Gross Floor Area" to remove an existing exemption for garages. The area occupied by the garage portion of a building contributes to the overall massing of the building (no different than building area occupied by bedrooms or storage); staff's opinion is that the existing exemption for garages in the definition of gross floor area is a mistake. Given the generous floor area ratios within the current zoning regulations, this is not expected to impact property owners' ability to reasonably develop existing properties.

Lastly, the draft bylaw would include "R-5" in the list of residential zones which, under section 306.3(7) are allowed an uncovered outdoor patio within the setback areas on a residential property.

The new R-5 zone has also been crafted with an eye to future rezoning applications which may come forward to create small infill lots by subdivision. Because no areas of the District are being pre-zoned with these small parameters for subdivision, there is no risk of a proliferation of extremely compact lots changing the character of neighbourhoods.

In other words, in order to take advantage of the regulations in the R-5 zoning designation, a property owner would need to apply to rezone their property and present a plan detailing their proposal for how they would develop their site; Council would not be obliged to approve that future rezoning unless they are comfortable that the plan fits in the context of the neighbourhood and the feedback received from neighbouring residents.

**3.4 Draft Housing Agreement Bylaw No. 1270, 2020:**

The housing agreement authorization bylaw has drafts of the two (ownership and rental) housing agreements attached as schedules A and B, which would be registered on the ownership (i.e., AHOP) and rental lots, respectively, at the time those lots are created by the subdivision of Lot 13 (see **Appendix "C"**).

**3.4.1 Affordable Ownership Housing Agreement:**

The lots for purchase under the AHOP program would be administered by BC Housing. The housing agreement applying to these lots basically guarantees that they will be developed as proposed and sold to purchasers meeting the income requirements of BC Housing. The agreement includes the following criteria for a "qualified person":

<b>As drafted in Bylaw 1270:</b>	<b>As preferred by the developer:</b>
has lived in ACRD min. 24 months	has lived in ACRD min. 6 months
has worked full time a minimum of 1 year on west coast (or is retired after living here 5 years out of last 10)	has proof of employment on the west coast (or is retired after living here 1 year out of the last 10)
does not own other property	does not own other property
meets BC Housing AHOP income requirements	meets BC Housing AHOP income requirements

The applicant would like a looser definition of a qualifying person, to broaden the pool of potential purchasers of the 24 ownership units. Staff suggest that the criteria as drafted are likely to result in enough buyers from within the community. There is a provision for the

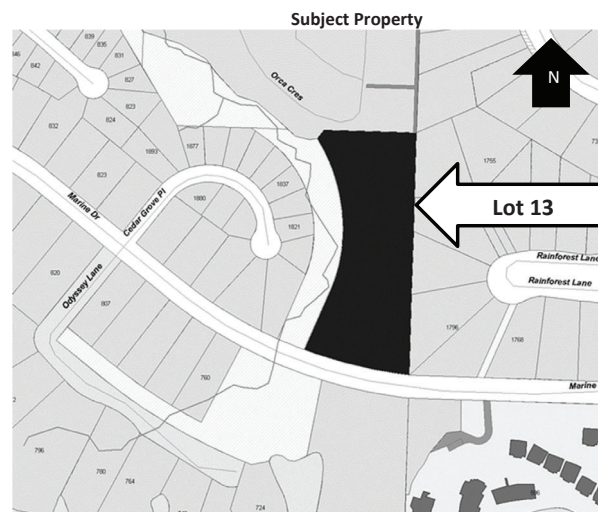
## Notice to Waive Public Hearing

Notice is hereby given pursuant to Sections 464(2) and 467 of the Local Government Act that, at its regular meeting held March 17<sup>th</sup>, 2020, District of Ucluelet Council determined that proposed changes to the Zoning Bylaw are consistent with the District of Ucluelet Official Community Plan and thereafter resolved to waive the holding of a Public Hearing for

### **District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1269, 2020.**

In general terms the purpose of this proposed Bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw"), as follows:

1. By replacing the definition of Gross Floor Area, such that the new definition reads as follows:  
"Gross Floor Area" means the total area of all floors of a *building(s)* or use within a *building* (as the case may be) on a *lot*, measured to the exterior walls of the *building*, specifically excluding only non-habitable portions of a *basement*."
2. By amending Division 300, such that "R-5" is added to the list of residential zones to which Section 306.3(7) applies (to allow an uncovered patio within lot setbacks, like in other residential zones).
3. By adding a new Residential zone "R-5 Zone – Compact Single Family Residential". This Zone is intended for more affordable, compact single-family residential infill development with low-impact accessory uses.
4. By amending the zoning map to change the designation of Lot 13, District Lot 283, Clayoquot Land District, Plan VIP84686 [PID 027-473-538] ("Lot 13 Marine Drive") shown shaded on the map below, from CD-5 Zone to the new R-5 Zone – Compact Single Family Residential:



#### **Further Information:**

Copies of the bylaw, application, reports and relevant background documents may be viewed in the

### **"Lot-13 Marine Drive Affordable Housing Public Input"**

section of the District of Ucluelet website:

<https://ucluelet.ca/community/district-of-ucluelet-council/lot-13-marine-drive-affordable-housing-public-input>

Despite the decision to waive holding a public hearing during the COVID-19 outbreak, Council encourages any persons who believe their interests to be affected by the bylaw to

## LEARN ABOUT THE PROPOSAL AND SUBMIT YOUR COMMENTS!

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**April 16<sup>th</sup>, 2020.**

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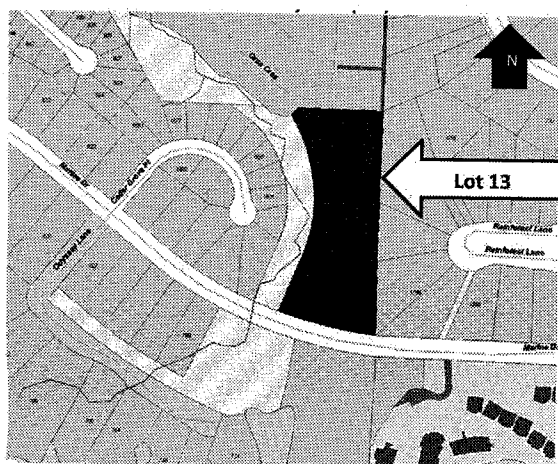
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Subject Property

#### Further Information:

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#### "Lot-13 Marine Drive Affordable Housing Public Input"

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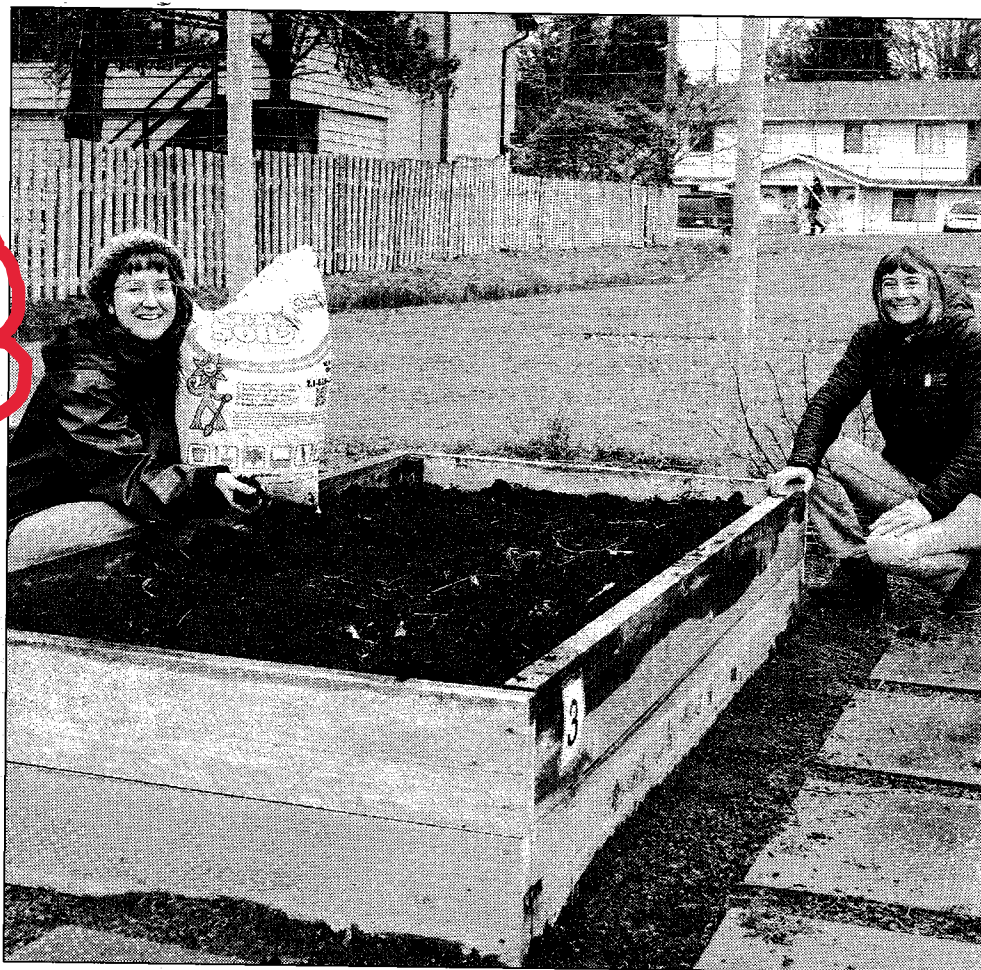
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Dated this 18th of March 2020

### COMMUNITY



SOIL TOIL: Ucluelet Local Food Society president Jeanne Keith Ferris, right, helps beginner gardener Britny Scheuermann ready her garden plot for planting. For gardening tips from local experts, see Page 10. (Nora O'Malley photo)

### COMMUNITY

## Raincoast Education Society puts out the call for fish guts

ANDREW BAILEY  
[andrew.bailey@westerlynews.ca](mailto:andrew.bailey@westerlynews.ca)

It's gut check time for local salmon populations.

The Raincoast Education Society is asking all West Coast fishers to donate their catch's stomachs in an effort to dissect the diets of chinook in Barkley and Clayoquot Sound.

The RES is calling on fishers to place Chinook salmon guts into a zip lock bag, record the salmon's size and the location it was caught, and then contact the society's executive director Mark Maftai at [mark@raincoasteducation.org](mailto:mark@raincoasteducation.org).

Those guts will then be sent to the University of Victoria where stomach samples from all over B.C. are being tested as part of the Adult Salmon Diet Project.

"Wild chinook salmon stocks in Barkley and Clayoquot Sound are declining. Everyone's worried about it and everyone's pointing the finger at whatever they can point a finger at," Maftai told



The Raincoast Education Society is asking fishers to donate their catch's stomachs, like this one photographed at a fishing derby held in Bamfield. (Will Duguid photo).

the *Westerly News*.

"It's obviously an issue that a lot of their spawning habitat has been compromised. It's obviously an issue that they're being fished pretty hard. It's obviously an issue that they're being exposed to pathogens and parasites at salmon farms. But, none of those things together can explain the declines that we're seeing... The only thing that really holds water is that there's a problem with at-sea survival and the number one thing that affects at-sea

survival, really, is diet. Either they're getting eaten or they're not eating enough."

Maftai said the goal is to collect samples through the year for several years so that data can be compared regionally, seasonally and annually.

"That will help us put another piece in the puzzle. Right now, we gauge the health of salmon stocks by looking at returns, but those aren't consistent," he said. "All you know is how many fish came up the river. What we're thinking is, the number of fish that come up the river might have a lot to do with how much food is out there for them to eat before they come up the river."

He added local fishers who donate guts would be a big help, noting the society scored "tons of samples" at a fishing derby in Bamfield last month.

Maftai said the data collected by the program will be shared widely and will help guide salmon restoration efforts in evidence-driven directions.





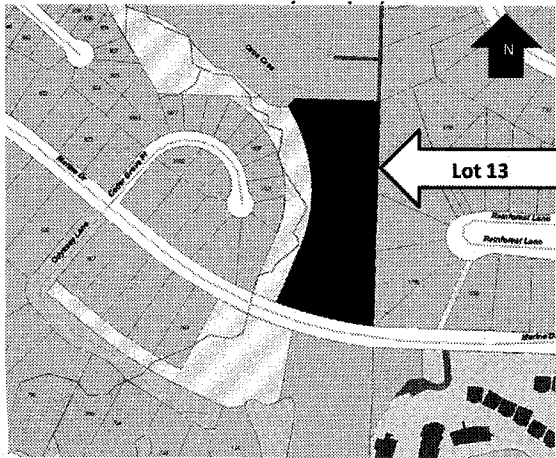
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Dated this 18th of March 2020

### GARDEN



Humble potatoes are one of the most valued food sources in war-time. (Pixabay photo)

# Yes, in my backyard: Food security at home

CONNIE KURAMOTO AND  
JEANNE KEITH FERRIS

Special to the Westerly

Raise a garden trowel against Covid-19 and build food security right at home. What crop has humanity turned to for food security?

#### **Introducing the humble potato**

Potatoes have sustained communities over millennia and are the fourth most cultivated crop in the world.

An easy grower in our coastal climate, spuds are nutritional power packs; productive in small containers, and a great teaching crop for new gardeners.

#### **Kitchen cabinet surprise**

Potatoes stored in your warm, dark, kitchen cabinet may have already sprouted eyes. Eyes are the growing points and may have little stems sticking out representing the start of a new potato plant. Growers who buy and use special "seed potatoes" will put them in a warm, dark place to develop eyes.

Most garden books you read may direct you to purchase certified, disease free seed potatoes; and if you are growing a lot of potatoes, and growing them in the ground, that is probably the best practice. However, if you are growing just a few potatoes for your family, I cannot see the harm of using any old potato that has sprouted in your cabinet for your seed potatoes.

I would reject any that are soft or black and mushy, but other potatoes, even ones that look slightly wilted will be fine, and no, they do not have to be sprouted before planting. You can start planting potatoes anytime now.

#### **Containers and soil**

Buckets work well for growing potatoes. Five-gallon sized wooden buckets, water buckets or plastic food grade buckets are ideal. If needed, drill drainage holes into the bottom. The stamped recycle number found on the bottom of a plastic bucket should have a number 2 in it if it is food safe. Even large plasticized grocery bags can be used. These types of containers will discourage evaporation and soil drying out. Fill your container to about one third full with a good potting soil mix and bagged compost in equal measure. Place 2 seed potatoes at opposite edges and cover them completely with about four more inches of soil. Now, if you have it, add some balanced organic fertilizer. For good drainage, don't place the containers directly on the ground, but raised-up on boards. The rugged potato requires loose, well-drained soil, food, and plenty of water. It is best to water every morning, and to water until there is some drainage from the bottom of the bucket. Use about four litres of water. Mulch with leaves, seaweed, wood chips, shredded paper or cardboard to hold moisture, and shade the potato tubers from sunlight. Light exposed tubers can turn green and are inedible.

Soon you will see the potato's green foliage emerge. When the foliage grows about one foot, then heap-in more soil to near the container's rim. When you see flowers on the plants, potatoes have begun to form. Potatoes are ready to harvest when the tops die down. Tip the bucket over, and it's time to eat!

Connie Kuramoto is an Organic Master Gardener and Jeanne Keith-Ferris is the president of the Ucluelet Local Food Society.



## STAFF REPORT TO COUNCIL

Council Meeting: November 24, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

**FILE NO:** 3360-20-RZ18-08  
3060-20-DP19-02

**SUBJECT: ADOPTION DISTRICT OF UCLUELET ZONING AMENDMENT  
BYLAW NO. 1244, 2019, AND APPROVAL OF DEVELOPMENT  
PERMIT DP19-02**

**REPORT NO:** 20- 129

**ATTACHMENT(S):** APPENDIX A – ZONING AMENDMENT BYLAW NO. 1244 (MAP AMENDMENT)  
APPENDIX B – DEVELOPMENT PERMIT DP19-02 (FORM AND CHARACTER OF SUBDIVISION)  
APPENDIX C – S.219 NO BUILD COVENANT

### RECOMMENDATIONS:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019, be adopted; and,
2. **THAT** Development Permit DP19-02 be approved for the subdivision of 221 Minato Road, Lot B, District Lot 286, Clayoquot District, Plan VIP79908.

### PURPOSE:

The purpose of this report is to bring Ucluelet Zoning Amendment Bylaw No. 1244, 2019 (**Bylaw No. 1244** – see **Appendix ‘A’**) and Development Permit DP19-02 (**DP19-02** – see **Appendix ‘B’**), back to Council for adoption and approval.

### BACKGROUND

#### Ucluelet Zoning Amendment Bylaw No. 1244, 2019

At the October 8, 2019 Regular Meeting, Council gave first and second reading to Bylaw No. 1244, 2019 (the “Bylaw”). A public hearing was conducted on August 13, 2020, after which the Bylaw received third reading.

#### “No Build” S.219 Restrictive Covenant

A draft Section 219 restrictive covenant was presented to Council in the June 23, 2020 Staff Report. This covenant is to ensure that no subdivision or development will occur on the property at 221 Minato Road, unless it is in accordance with the terms and conditions of the covenant. This is a standard practice to ensure that amenities and securities such as park dedication, cash contributions and green space covenants that form part of rezoning considerations are secured, when they will be provided at a later point in the development process. This covenant and associated priority agreement have now been fully registered on the property title in the Victoria Land Title Office under charge numbers CA8532151 and CA8532152 (see **Appendix ‘C’**).

Development Permit DP19-02

At the June 23, 2020 Regular Meeting, Council was presented with background information and a draft of the proposed Development Permit DP19-02 which covers the layout of the subdivision into guest house and campgrounds parcels.

DISCUSSION

Council is now in a position to adopt the Bylaw and, if adopted, Council could then approve DP19-02.

Further detail is available in the June 23, 2020 report, and other Staff Reports and appendices; these have not been attached to this report due to the length of attached materials, but are available on the District website.

Further Development Permit, Development Variance Permit, and Temporary Use Permit approvals will also be required before the proposed campground development is completed. These permits can best be approved once the subject property has been subdivided, creating the new lots to which those further permits would apply. Should Council adopt the Bylaw and issue DP19-02, review of a subdivision application would be the next step, and staff expect that could be forthcoming in short order.

OPTIONS REVIEW:

Staff recommend adoption of Bylaw No. 1244, 2019 and issuance of DP19-02 to advance the proposed subdivision of the property at 221 Minato Road and creation of a new guest house and campground parcels, as anticipated by the amended zoning. Alternatively, Council could consider:

2. **THAT** Council provide alternative direction to staff and/or the applicant.

**Respectfully submitted:** Bruce Greig, Manager of Community Planning  
Mark Boysen, Chief Administrative Officer



**DISTRICT OF UCLUELET**

Appendix A

**Zoning Bylaw Amendment Bylaw No. 1244, 2019**

A bylaw to amend the District of Ucluelet Zoning Bylaw (221 Minato Road).

---

**WHEREAS** Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

**NOW THEREFORE** the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

**1. Map Amendment:**

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot B, District Lot 286, Clayoquot District, Plan VIP79908 (221 Minato Road, PID 026-487-764), from "RU: Rural Residential" to areas designated as "CG: Campground", "GH: Guest House" and "P-1: Public Institutional" as outlined in black on the map attached to this Bylaw as Appendix "A".

2. This bylaw may be cited as "District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1244, 2019".

**READ A FIRST TIME** this 8<sup>th</sup> day of October, 2019.

**READ A SECOND TIME** this 8<sup>th</sup> day of October, 2019.

**PUBLIC HEARING** held this 13<sup>th</sup> day of August, 2019.

**READ A THIRD TIME** this 13<sup>th</sup> day of August, 2019.

**ADOPTED** this    day of            , 2019.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019.”

\_\_\_\_\_  
Mayco Noël  
Mayor

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

**THE CORPORATE SEAL** of the District of Ucluelet was hereto affixed in the presence of:

\_\_\_\_\_  
Mark Boysen  
Corporate Officer



## DEVELOPMENT PERMIT DP19-02

Pursuant to Part 14, Division 7 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

PIRATES BAY HOLDING COMPANY LTD, PO BOX 286, UCLUELET, BC, V0R 3A0

2. This Development Permit applies to and only to those lands within the District of Ucluelet described below and all buildings, structures, and other development thereon:

LOT B, DISTRICT LOT 286, CLAYOQUOT DISTRICT, PLAN VIP79908 (221 MINATO ROAD)  
PID: 026-487-764

3. This Development Permit is issued subject to compliance with all bylaws of the District of Ucluelet.

4. This Permit authorizes the following improvements on the Lands:

- a. The creation of a subdivision consisting of:
  - i. One Guest house Lot (Phase 2 in Schedule A) with an approx. area of 30,978m<sup>2</sup>
  - ii. One Campground Lot (Phase 1 & 3 in Schedule A) with a approx. area of 40,036m<sup>2</sup>
  - iii. The remainder is parkland dedication (Labeled Park in Schedule A)
- b. A 10m road dedication along the existing 10m Minato Road.
- c. Full servicing (underground hydro, potable water, sanitary sewer, storm sewer) of Minato Road.
- d. Full paved road construction including but not limited to 3.6 lane widths, line painting, traffic signage, parallel parking, cul-de-sac roundabout as per the Subdivision Services Control Bylaw No. 521, 1989 and the Master Municipal Construction Documents (MMCD).
- e. Full night sky compliant Street lighting with a LED light source.
- f. Full landscaping of the road boulevard in native species.
- g. A paved 1.5m multiuse path on the west side of Minato Road constructed consistent with the MMCD.
- h. Crosswalks and crosswalk signage for a crossing of Peninsula road
- i. Paved driveway aprons a minimum of 5m from road edge with gravel driveways roughed in.
- j. A gravel parking area at the cul-de-sac and parallel spaces indicated in Schedule A.

These improvements apply only in the locations indicated, and otherwise in accordance with, the drawings and specifications attached to this Permit as **Schedule A**.

5. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations and bylaws, and all requirements of the municipal Approving Officer. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations and requirements of the municipal Approving Officer.



- 6. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 7. This Permit is NOT a Building Permit.
- 8. **Schedules "A"** attached hereto shall form part of this Permit. The Municipality's Chief Administrative Officer is hereby authorized to approve minor amendments to the plans provided that such amendments are consistent with the overall character and intent of the original plans.

**AUTHORIZING RESOLUTION** passed by the Municipal Council on the      day of      , 2020.

**IN WITNESS WHEREOF** this Development Permit is hereby executed and issued by the Municipality the      day of      , 2020.

**THE DISTRICT OF UCLUELET**  
by its authorized signatories:

\_\_\_\_\_  
Mayco Noël – Mayor

\_\_\_\_\_  
Mark Boysen – Corporate Officer

**OWNER**  
by its authorized signatory

\_\_\_\_\_  
PIRATES BAY HOLDING COMPANY LTD.

**ISSUED** the      day of      , 2020.

\_\_\_\_\_  
Bruce Greig - Manager of Planning

# Schedule A



Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Amy Kathryn  
McDowell  
O'Connor GIIBN4

Digitally signed by Amy  
Kathryn McDowell  
O'Connor GIIBN4  
Date: 2020.10.29 13:10:53  
-07'00'

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

Amy O'Connor, Barrister & Solicitor

Appendix C

YOUNG ANDERSON

Phone: (604) 689-7400

1616 - 808 Nelson Street

File: 119-173

Vancouver

BC V6Z 2H2

No Subdivision Covenant

Document Fees: \$149.74

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

**026-487-764 LOT B DISTRICT LOT 286 CLAYOQUOT DISTRICT PLAN VIP79908**

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

**SEE SCHEDULE**

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

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

(b)  Express Charge Terms Annexed as Part 2

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

5. TRANSFEROR(S):

**SEE SCHEDULE**

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

**DISTRICT OF UCLUELET**

**A MUNICIPAL CORPORATION**

BOX 999, 200 MAIN STREET

UCLUELET

BRITISH COLUMBIA

V0R 3A0

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

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

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Myron E. Plett

Barrister & Solicitor

Raincoast Law

P.O. Box 909

1566 Peninsula Road

Ucluelet, BC V0R 3A0

(as to both signatures)

Y	M	D
20	09	08

PIRATES BAY HOLDING  
COMPANY LIMITED, by its  
authorized signatory(ies):

Name: Rick Lim

Name:

OFFICER CERTIFICATION:

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

Adoption District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 and ...

**LAND TITLE ACT  
FORM D**

**EXECUTIONS CONTINUED**

Officer Signature(s)	Execution Date			Transferor / Borrower / Party Signature(s)
	Y	M	D	
<p>_____</p> <p>Charles Blanaru Barrister &amp; Solicitor #200 - 1808 Bowen Road Nanaimo, B.C. V9S 5W4 Ph.(250) 753 2202 Fax:(250) 753 3949</p> <p>(as to both signatures)</p> <p>_____</p> <p>Joseph Rotenberg Commissioner for Taking Affidavits in British Columbia Deputy Corporate Officer District of Ucluelet 200 Main St., PO Box 999 Ucluelet, B.C. V0R 3A0</p> <p>(as to both signatures)</p> <p>_____</p>	20	10	19	<p>COASTAL COMMUNITY CREDIT UNION by its authorized signatory(ies)</p> <p>_____</p> <p>Name: Derek Lewis, ABL Regional Manager, Commercial Services</p> <p>_____</p> <p>Name: Dave Boehm, ABL Business Relationship Manager Nanaimo Business Centre</p> <p>DISTRICT OF UCLUELET by its authorized signatory(ies):</p> <p>_____</p> <p>Name: Mayco Neol</p> <p>_____</p> <p>Name: Mark Boysen</p>

**OFFICER CERTIFICATION:**

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

Adoption District of Ucluelet Zoning Amendment Bylaw No. 1244, 2019 and ...

**LAND TITLE ACT  
FORM E**

**SCHEDULE**

PAGE 3 OF 13 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		s. 219

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting the Covenant herein priority over Mortgage CA5148927 and Assignment of Rents CA5148928

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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**LAND TITLE ACT  
FORM E****SCHEDULE**

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

**5. TRANSFEROR(S):**

PIRATES BAY HOLDING COMPANY LIMITED, INC. NO. BC1068513 (as to covenant)

COASTAL COMMUNITY CREDIT UNION, INC. NO. FI 114 (as to priority)

**TERMS OF INSTRUMENT – PART 2**

**COVENANT (Section 219 *Land Title Act*)**

THIS COVENANT dated for reference the \_\_\_ day of \_\_\_\_\_, 2020 is

BETWEEN:

**PIRATES BAY HOLDING COMPANY LIMITED, INC. NO. BC1068513**

PO Box 286  
Ucluelet BC V0R 3A0

(the "Grantor")

AND:

**DISTRICT OF UCLUELET**

Box 999  
200 Main Street  
Ucluelet BC V0R 3A0

(the "District")

WHEREAS:

- A. The Grantor is the registered owner of land located at 221 Minato Road in Ucluelet, British Columbia and more particularly described as:

PID: 026-487-764  
Lot B District Lot 286 Clayoquot District Plan VIP79908

(the "Land");

- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the District, in respect of the use of land or buildings, or the building on land;
- C. The Grantor has applied to the District for a rezoning of the Land to permit the development of a campground and guest houses on the Land, and in connection with the Grantor's application for rezoning the Grantor has offered grant this Covenant to the District;

- D. The Grantor wishes to grant this Covenant to the District to confirm it will not subdivide or develop the Land except generally in accordance with the development plan prepared in conjunction with the Grantor's rezoning application and presented to the District Council and the public in connection with the application;

THIS COVENANT is evidence that in consideration of the payment of TWO DOLLARS (\$2.00) by the District to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Grantor covenants and agrees with the District, in accordance with section 219 of the *Land Title Act*, as follows:

## Definitions

### 1. In this Covenant:

- (a) "Campground Parcel" means the area of the Land labelled "CG Lot (Phase 1)" and CG Lot (Phase 2)" on the Subdivision Plan;
- (b) "Guest House Parcel" means the area of the Land labelled "GH Lot" on the Subdivision Plan;
- (c) "Long-Term Camping" means the area of the Land lying between the Park and Minato Road labelled "CG Lot (Phase 1)" on the Subdivision Plan;
- (d) "Olsen Bay Trail" means the trail running from the terminus of the paved portion of Minato Road to Olsen Bay labelled "Olsen Bay Trail" on the Subdivision Plan;
- (e) "Park" means the area of the Land labelled "Park" on the Subdivision Plan, generally within 30m of Olsen Bay and within 10m either side of Stream 1;
- (f) "Riparian Trail" means the pedestrian trail proposed to be constructed in the Park, parallel to Stream 1 from Minato Road to the foreshore of Olsen Bay, labelled as "Riparian Trail" on the Subdivision Plan;
- (g) "Shoreline Trail A" means the pedestrian trail proposed to be constructed in the area labelled "Park" adjacent to the foreshore labelled as "Shoreline Trail A" on the Subdivision Plan;
- (h) "Shoreline Trail B" means the pedestrian trail proposed to be constructed in the area labelled GH Lot adjacent to the foreshore labelled as "Shoreline Trail B" on the Subdivision Plan;
- (i) "Shoreline Green Space" means the area of the land extending 30m inland from the natural boundary of Olsen Bay along the entire shore of the Guest House Parcel, labelled "30m No Build / Green Space" on the Subdivision Plan;
- (j) "Short-Term Camping" means the area of the Land lying between the Park and Peninsula Road labelled as CG Lot (Phase 2) on the Subdivision Plan;
- (k) "Subdivision Plan" means the proposed plan for the subdivision of the Land shown in the drawing / sketch plan attached to this Agreement as Schedule A;

- (l) "Viewing Platforms" means two viewing platforms to be constructed adjacent to the natural boundary of Olson Bay in the general locations labelled as "Viewing Platforms" on the Subdivision Plan.

### Restriction on Use, Subdivision and Development of the Land

2. The Grantor will not alter, develop or otherwise use the Land for any purpose, other than passive recreation or the carrying out of survey work in preparation for subdivision, and without limiting the foregoing, will not construct or place any building or structures on the Land, until and unless the Grantor has subdivided the Land in accordance with this Agreement.
3. The Grantor will not subdivide the Land unless:
  - (a) the subdivision creates parcels having boundaries substantially in accordance with the Subdivision Plan;
  - (b) the Grantor dedicates the area labelled "Park" to the District, as park;
  - (c) the Grantor pays to the District \$10,000 towards the construction of 2 Viewing Platforms, fencing, and signage;
  - (d) the Grantor pays to the District \$50,000 towards the construction of pedestrian trails in the Park;
  - (e) concurrent with the deposit of a plan to subdivide the Land as authorized by subsection 3(a), the Grantor registers as a charge against the title to the Guest House Parcel a covenant:
    - (i) prohibiting the removal of trees and vegetation from the Shoreline Green Space area restricting the use of the Shoreline Green Space area to passive recreation, and restricting development within the Shoreline Green Space area to one non-permanent structure having a floor area no greater than 10 m<sup>2</sup>;
    - (ii) prohibiting any further subdivision of the Guest House Parcel unless the Owner dedicates the Shoreline Green Space area to the District as park, and pays to the District 100% of the cost of constructing the Shoreline Trail B.
  - (f) concurrent with the deposit of a plan to subdivide the Land as authorized by subsection 3(a), the Grantor registers as a charge against the title to the Campground Parcel a covenant prohibiting the construction, development or use

of any Short-Term Camping spaces or facilities on the Land before the construction of the Shoreline Trail A is complete.

#### **Discharge**

4. The District agrees that if the Grantor:
  - (a) Subdivides the Land in accordance with section 3 and delivers to the District a registrable discharge of this Covenant, the District will execute the discharge, and return the executed discharge to the Grantor, and the Grantor may apply to register it in the Victoria land title office.

#### **Subject to Bylaws**

5. This Covenant does not relieve the Grantor in any way from complying with all applicable bylaws of the District or other enactments applicable to the Land.

#### **Inspections**

6. The District and any of its officers and employees may enter on the Land at all reasonable times, to inspect the Land for the purpose of ascertaining compliance with this Covenant.

#### **Amendment**

7. This Covenant may be altered or amended only by an agreement in writing signed by the parties.

#### **No Public Law Duty**

8. Whenever in this Covenant the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Covenant only and will not be bound by any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise.

#### **No Obligations on District**

9. The rights given to the District by this Covenant are permissive only and nothing in this Covenant:
  - (a) imposes any duty of care or other legal duty of any kind on the District to the Grantor or to anyone else;

- (b) obliges the District to enforce this Covenant, which is a policy matter within the sole discretion of the District; or
- (c) obliges the District to perform any act, or to incur any expense for any of the purposes set out in this Covenant.

#### **No Effect on Laws or Powers**

10. This Covenant does not,
- (a) affect or limit the discretion, rights or powers of the District under any enactment or at common law, including in relation to the use or subdivision of the Land;
  - (b) affect or limit any law or enactment relating to the use or subdivision of the Land; or
  - (c) relieve the Grantor from complying with any law or enactment, including in relation to the use or subdivision of the Land.

#### **District's Right to Equitable Relief**

11. The Grantor agree that the District is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Grantor of this Covenant.

#### **Covenant Runs With the Land**

12. Every obligation and covenant of the Grantor in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Land and this Covenant burdens the Land and runs with it and binds the successors in title to the Land. For certainty, unless expressly stated otherwise, the term "Grantor" refers to the current and each future owner of the Land. This Covenant burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

#### **Registration**

13. The Grantor agrees to do everything necessary, at the Grantor's expense, to ensure that this Covenant is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Covenant.

#### **Waiver**

14. An alleged waiver by the District of any breach of this Covenant by the Grantor is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver by the District of a breach by the Grantor of this Covenant does not operate as a waiver of any other breach of this Covenant.

#### **Notice**

15. Any notice to be given pursuant to this Covenant must be in writing and must be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this Covenant and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office.

If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it is to be deemed given 3 days after mailing by deposit at a Canada Post mailing point or office. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this Covenant must do so by delivery as provided in this section.

Either party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the new address is deemed to be the address of such party for giving notice.

#### **Enurement**

16. This Covenant binds the parties to it and their respective corporate successors, heirs, executors, administrators and personal representatives.

#### **Joint and Several**

17. If at any time more than one person (as defined in the *Interpretation Act* (British Columbia) owns the Land, each of those persons will be jointly and severally liable for all of the obligations of the Grantor under this Covenant.

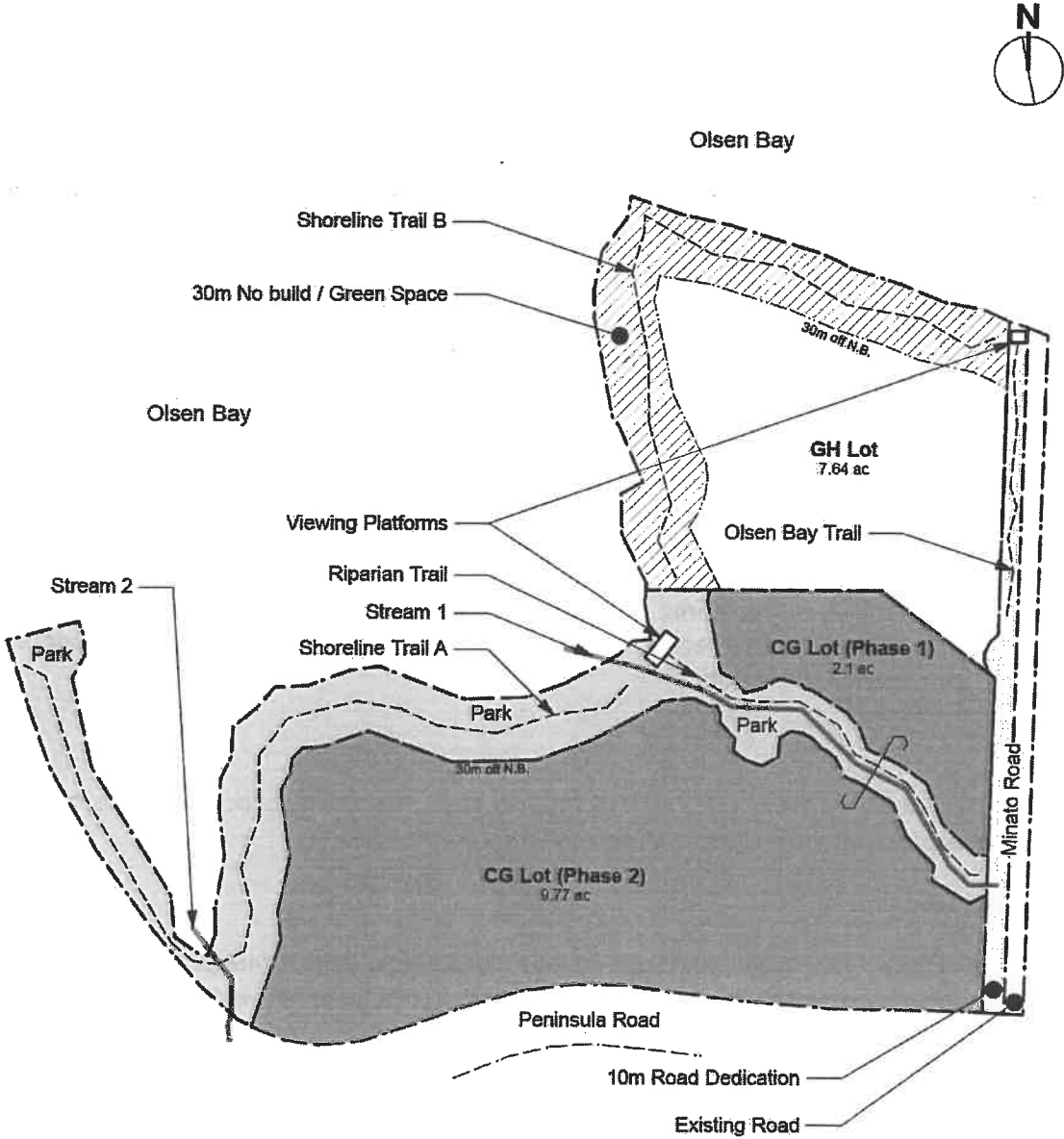
#### **Further Acts**

18. The Grantor must do everything reasonably necessary to give effect to the intent of this Covenant, including execution of further instruments.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Covenant.



Schedule A – Subdivision Plan



**Subdivision Plan**  
221 Minato Road (NTS)

C:\Users\Jtowgood\AppData\Local\Microsoft\Windows\Inetcache\Content.Outlook\4PXYZY2YD\Draft Cov-No Subdivision-221 Minato June 12 2020\_Docx Jun 13, 2020 9:15 AM/PN

PRIORITY AGREEMENT

This Priority Agreement is between Coastal Community Credit Union (the "**Prior Chargeholder**"), being the registered owner and holder of Mortgage No. CA5148927 and Assignment of Rents No. CA5148928 (the "**Prior Charges**"), and the District of Ucluelet, being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "**Subsequent Charge**").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charge to the rights of the Municipality under the Subsequent Charge in the same manner and to the same extent as if the Prior Charge had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement.

END OF DOCUMENT