

# AGENDA

## *REGULAR MEETING OF COUNCIL*

**Tuesday, January 26, 2016**

**7:30 p.m.**

**George Fraser Room, Ucluelet Community Centre  
500 Matterson Drive,  
Ucluelet, B.C.**

**Council Members:**

Mayor Dianne St. Jacques

Councillor Sally Mole

Councillor Randy Oliwa

Councillor Marilyn McEwen

Councillor Mayco Noel



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## REGULAR MEETING OF COUNCIL

7:30 p.m.

Tuesday, January 26, 2016

George Fraser Room, Ucluelet Community Centre,  
500 Matterson Drive, Ucluelet

### AGENDA

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES**
  - 2.1. **January 12, 2016 Regular Minutes** p.7
3. **UNFINISHED BUSINESS**
4. **MAYOR'S ANNOUNCEMENTS**
5. **PUBLIC INPUT, DELEGATIONS & PETITIONS**
6. **CORRESPONDENCE**
  - 6.1. **Open Invitation re: Renaming of the K<sup>W</sup>isitits Theatre in honour of Barbara Touchie** p.15  
Lorri Touchie, Parks Canada
  - 6.2. **Meeting Request re: Vital Signs Statistics** p.17  
MLA Scott Fraser, Alberni-Pacific Rim
7. **INFORMATION ITEMS**
  - 7.1. **2016 Call for Nominations for the Order of British Columbia** p.19  
BC Honours and Awards
  - 7.2. **Return of the Stolen Tsunami Artifact** p.31  
Vancouver Aquarium
  - 7.3. **Discussion of the BC Emergency Program Act** p.33  
Office of the Minister of State for Emergency Preparedness
  - 7.4. **Letter to Minister Coleman re: BC Building Act Implementation** p.59  
City of North Vancouver
  - 7.5. **UBCM Follow up re: Resort Municipalities Initiative** p.63  
Ministry of Jobs, Tourism and Skills Training
8. **COUNCIL COMMITTEE REPORTS**
  - 8.1. **Councillor Sally Mole** *Deputy Mayor April – June*
    - Ucluelet & Area Child Care Society

- Westcoast Community Resources Society
  - Coastal Family Resource Coalition
  - Food Bank on the Edge
  - Alberni Clayoquot Regional District – Alternate
- ⇒ *Other Reports*

**8.2. Councillor Marilyn McEwen**

*Deputy Mayor July – September*

- West Coast Multiplex Society
  - Ucluelet & Area Historical Society
  - Wild Pacific Trail Society
  - Vancouver Island Regional Library Board – Trustee
- ⇒ *Other Reports*

**8.3. Councillor Mayco Noel**

*Deputy Mayor October – December*

- Ucluelet Volunteer Fire Brigade
  - Central West Coast Forest Society
  - Ucluelet Chamber of Commerce
  - Signage Committee
  - Clayoquot Biosphere Trust Society – Alternate
- ⇒ *Other Reports*

**8.4. Councillor Randy Oliwa**

*Deputy Mayor January – March*

- Vancouver Island Regional Library Board – Alternate
  - Harbour Advisory Committee
  - Aquarium Board
  - Seaview Seniors Housing Society
  - Education Liaison
- ⇒ *Other Reports*

**8.5. Mayor Dianne St. Jacques**

- Alberni-Clayoquot Regional District
  - Coastal Community Network
  - Groundfish Development Authority
  - DFO Fisheries Committees for Groundfish & Hake
  - Pacific Rim Harbour Authority
  - Pacific Rim Arts Society
  - Whale Fest Committee
- ⇒ *Other Reports*

**9. REPORTS**

**9.1. Expenditure Voucher G-02/16**

Jeanette O'Connor, Chief Financial Officer

**p.65**



- 9.2. Solid Fuel Woodstoves and Air Quality** p.69  
John Towgood, Planner I
- 9.3. Howlers Restaurant Food Primary Liquor License Amendment Application** p.75  
John Towgood, Planner I
- 9.4. Whiskey Dock Historical Sign** p.79  
John Towgood, Planner I
- 9.5. Development Permit for 166 Fraser Lane** p.81  
John Towgood, Planner I
- 10. LEGISLATION**
- 10.1. Smoking Control Bylaw Report** p.87  
John Towgood, Planner I
- 10.2. Smoking Control Bylaw No. 1187, 2016** p.89
- 11. LATE ITEMS**  
Late items will be addressed here but will appear in a separate agenda.
- 12. NEW BUSINESS**
- 13. QUESTION PERIOD**
- 14. 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) of the *Community Charter*.
- 15. ADJOURNMENT**





### **6.3 Business Excellence Awards Invitation**

Mark MacDonald, Business Examiner

- 2016-004 It was moved by Councillor Mole and seconded by Councillor McEwen  
*THAT Mayor St. Jacques attend the 16th Annual Vancouver Island Business Excellence Awards subject to a local business being recognized at the event.*

**CARRIED**

### **6.4 Notification of Stolen Tsunami Artifact**

Kate Le Souef, Vancouver Aquarium

- 2016-005 It was moved by Councillor McEwen and seconded by Councillor Oliwa  
*THAT Council direct staff to follow up with the Vancouver Aquarium on the theft of a loaned tsunami artifact.*

**CARRIED**

## **7. INFORMATION ITEMS:**

- 2016-006 It was moved by Councillor McEwen and seconded by Councillor Noel  
*THAT Council receive information items 6.1 through 6.7 as a block.*

**CARRIED**

### **7.1 Community Works Fund**

Union of BC Municipalities

### **7.2 Pre-Hospital Emergency Care**

BC Emergency Health Services

- 2016-007 It was moved by Councillor McEwen and seconded by Councillor Oliwa  
*THAT Council direct staff to follow up with Lance Stephenson, Area Director of BC Emergency Health Services, to discuss working together to help improve local emergency preparedness.*

**CARRIED**

### **7.3 Spill Response Regime Project**

Ministry of Environment

- 2016-008 It was moved by Councillor Noel and seconded by Councillor Mole  
*THAT Council direct staff to pursue and collect additional information on the Ministry of Environment's Land Based Spill Preparedness and Response in British Columbia regime.*

**CARRIED**

### **7.4 UBCM Update re: Agrifoods**

Ministry of Agriculture

### **7.5 UBCM Update re: Road Improvements in Ucluelet**

Ministry of Transport and Infrastructure

2016-009 It was moved by Councillor Noel and seconded by Councillor Oliwa  
*THAT Council direct staff to continue to follow up with the Ministry of Transportation and Infrastructure regarding road upgrades and the District's transportation priorities.*

**CARRIED**

**7.6 Downloading DNA Costs**

District of Kent

**7.7 Childcare Major Capital Funding Program**

CivicInfo BC

2016-010 It was moved by Councillor Oliwa and seconded by Councillor Mole  
*THAT Council direct staff to forward information item 7.7 to the Coastal Family Resource Coalition and Ucluelet & Area Childcare Society for their information.*

**CARRIED**

**8. COUNCIL COMMITTEE REPORTS:**

**8.1 Councillor Mole**

Food Bank on the Edge

- Packed 104 hampers on Hamper Day with good turnout
- Egg cartons can still be dropped off at Chamber of Commerce

Coastal Family Resource Coalition

- Met last week; discussion focused on harm reduction; sharps disposal containers now installed in public washrooms in Tofino; Ucluelet has disposals at the doctor's office and the RCMP station; have been a fentanyl death on the west coast; will attend focus group coming in February to discuss disposal options, education, and prevention
- Community Developer for CFRC has resigned; will have overlap while Coalition looks to fill vacancy

**8.2 Councillor McEwen**

Vancouver Island Regional Library Board

- Will be attending AGM on January 16 in Nanaimo

West Coast Multiplex Society

- ACRD has confirmed site for Multiplex on Airport Road; next steps are to revamp the business plan phase, fundraise and seek grants

Wild Pacific Trail Society

- Met January 6; 10 benches installed this month; bench material is anti-vandalism; will hold vision session for 5-year plan at the Black Rock on January 17 from 9am - 4pm, with Tawney Lem; donation box at Ancient Cedars is getting repeatedly vandalized; society looking into motion sensor cameras; will provide guided tour for Porsche Club in Spring; will write to Onni Group regarding question of using their property for trail parking

### Ucluelet & Area Historical Society

- Met January 11; Vancouver Opera doing two shows, one on March 10 at 11:00 am for the schools, and second on March 11 at 7:30pm for the public at the UCC; still completing renovations to office at 200 Main Street; looking for District to write a letter to Post Office to verify that they have a physical address

2016-011

It was moved by Councillor McEwen and seconded by Councillor Mole  
*THAT Council direct staff to write a letter to the local Canada Post Office verifying that the Ucluelet & Area Historical Society has a physical address at 200 Main Street.*

**CARRIED**

### Other Reports

- Transportation Action Table would like a single representative from west coast to sit at meetings

### **8.3 Councillor Noel**

#### Other Reports

- Met with Harbour Advisory Commission members on January 16; discussed harbour reservation policies; aiming to resolve prior to next season

### **8.4 Councillor Randy Oliwa**

#### Harbour Advisory Committee

- Met on January 16; review of policies will tie in with coming fees and charges bylaw; will see soft launch of changes this year, but stakeholder consultation still needed; aiming for full implementation by 2017

#### Aquarium Board

- Bill Morrison is the new chair; next meeting forthcoming

#### Seaview Seniors Housing Society

- Met recently with society and Marcie DeWitt from Alberni Clayoquot Health Network; discussed communication and Wheels for Wellness program; Ucluelet has committed \$5k to the program; communicating to the public that program exists will be crucial to its success; Ucluelet and Ittatsoo also have telehealth services

2016-012

It was moved by Councillor Oliwa and seconded by Councillor Mole  
*THAT Council direct staff invite Marcie DeWitt and Eunice Joe from the Alberni-Clayoquot Health Network, and Marie Duperreault, VIHA Director for Port Alberni and the West Coast, to meet with Council.*

**CARRIED**

### Other Reports

- Draft of Age Friendly Plan coming together, looking positive with health initiatives

### **8.5 Mayor St. Jacques**

No meetings to report

2016-013 It was moved by Councillor Mole and seconded by Councillor McEwen  
*THAT Council receive all Committee Reports.*

**CARRIED**

**9. REPORTS:**

**9.1 Expenditure Voucher G-01/16**  
Jeanette O'Connor, Chief Financial Officer

2016-014 It was moved by Oliwa and seconded by McEwen  
*THAT Council receive Expenditure Voucher G-01/16.*

**CARRIED**

**9.2 License Amendment Application for Howlers**  
John Towgood, Planner 1

2016-015 It was moved by Councillor Noel and seconded by Councillor McEwen  
*THAT Council direct staff to collect further information from Howler's Restaurant ("the Applicant") with regards to report item 9.2 "Food Primary Liquor License Amendment Application - Howlers Restaurant Service Past Midnight and Patron Participation Entertainment (e.g. Dine and Dance or Karaoke)", to determine: what time the Applicant will stop serving food, if the Applicant intends to remain open until 2am seven days a week, and whether the Applicant's establishment would be a food or liquor primary use.*

**CARRIED**

2016-016 It was moved by Mole and seconded by McEwen  
*THAT Council table report item 9.2 "Food Primary Liquor License Amendment Application - Howlers Restaurant Service Past Midnight and Patron Participation Entertainment (e.g. Dine and Dance or Karaoke)" to appear at a subsequent meeting of Council.*

**CARRIED**

**9.3 Referral for Crown Land Tenure Lot 890**  
John Towgood, Planner 1

2016-017 It was moved by Councillor Oliwa and seconded by Councillor Noel  
*THAT Council approve recommendation 2 of report item 9.3 "Referral for a Crown Land Tenure - District Lot 890 Referral #1401124", which states:*  
2. *THAT Council does not support Crown Land Tenure application #1401124.*

**CARRIED**

**9.4 Development Variance Permit for Imperial Lane**  
John Towgood, Planner 1

2016-018 It was moved by Councillor McEwen and seconded by Councillor Oliwa  
*THAT Council approve recommendation 1 of report item 9.4 "Development Variance Permit for: Lot 3, Plan VIP1116, Section 21, District 09 (1412 Imperial Lane) and Lot 4, Plan VIP1116, Section 21, District 09 (1418 Imperial Lane)", which states:*

1. *THAT Development Variance Permit DVP15-01 be approved.*

**CARRIED**

### **9.5 Renewal of Development Permit Peninsula Rd**

John Towgood, Planner 1

2016-019 It was moved by Councillor McEwen and seconded by Councillor Mole  
*THAT Council approve recommendation 1 of report item 9.5 "Renewal of Development Permit for 1601 Peninsula Road", which states:*

1. *THAT the Development Variance Permit DVP13-02 for Lot A, District Lot 282, Clayoquot District, Plan 3550 (1601 Peninsula Road) be renewed.*

**CARRIED**

## **10. LEGISLATION**

None

## **11. LATE ITEMS**

### **11.1 Ukee Days Location Walkabout**

2016-020 It was moved by Councillor Noel and seconded by Councillor Mole  
*THAT Ukee Days remain at Seaplane Base Recreation field.*

**CARRIED**

### **11.2 Open Letter re: Marine Communications and Traffic Services Tofino** Julius Smolders, MCTS Tofino

2016-021 It was moved by Councillor McEwen and seconded by Councillor Mole  
*THAT Council receive late agenda item 11.2 for information.*

**CARRIED**

2016-022 It was moved by Councillor Mole and seconded by Councillor Oliwa  
*THAT Council direct staff to forward late agenda item 11.2 to local MP, Gord Johns, and to local MLA, Scott Fraser, for their information.*

**CARRIED**

### **11.3 Council Committee Appointments**

2016-023 It was moved by Councillor McEwen and seconded by Councillor Mole  
*THAT Council approve the Council Committee Appointments, as presented.*

**CARRIED**



## 11.4 Recreation Commission Terms of Reference and Bylaw

Abby Fortune, Director of Parks and Recreation

2016-024

It was moved by Councillor McEwen and seconded by Councillor Noel

*THAT Council approve recommendation 1 of report item 8.7 "Ucluelet Recreation Commission", which states:*

1. *THAT Council advise staff as to desired next steps in pursuit of re-establishing a Recreation Commission.*

*AND THAT Council direct staff to amend the wording of the Ucluelet Parks and Recreation Terms of Reference, bullet four, under 'Purpose' to read as follows:*

*"To establish any ad hoc or project committees, as it deems necessary from time to time, to assist the Commission in the performance of its responsibilities".*

**CARRIED**

## 12. NEW BUSINESS:

### 12.1 Councillor Oliwa

2016-025

It was moved by Councillor Oliwa and seconded by Councillor Mole

*THAT Council direct staff to compile and bring forward information on Ministry of Jobs, Tourism and Skills Training programs including "BC On The Move", "Gaining The Edge", and Destination BC funding opportunities, as well as supporting documentation on Resort Municipality Initiative spending guidelines.*

**CARRIED**

### 12.2 Councillor Noel

No new business

### 12.3 Councillor McEwen

No new business

### 12.4 Councillor Mole

- ❖ BC's Seniors Advocate will speak in Tofino on January 29 on senior's concerns, needs, and gap assessments

### 12.5 Mayor St. Jacques

- ❖ Council to meet on January 19 to begin strategic planning

## 13. QUESTION PERIOD:

Council received questions and comments from the public re:

- Changes in the frequency of Council attendance at their committee meetings
- Report item 9.2 and provisions of the *Liquor Control and Licensing Act*

## 14. CLOSED SESSION:

2016-026

It was moved by Councillor Noel and seconded by Councillor Mole  
*THAT the meeting be closed to the public in order to address agenda items  
under Section 90(1), subsections (g) and (j) of the Community Charter.*

**CARRIED**

Mayor St. Jacques suspended the regular meeting and moved in-camera at 8:21 pm.

**15. ADJOURNMENT:**

Mayor St. Jacques adjourned the in-camera meeting at 8:57 pm and resumed the open meeting at 8:58 pm.

Mayor St. Jacques adjourned the regular council meeting at 9:00 pm.

**CERTIFIED CORRECT:** Minutes of the Regular Council Meeting  
held on Tuesday, January 12, 2016 at 7:00 pm in the George  
Fraser Community Room, 500 Matterson Road, Ucluelet, BC.

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Dianne St. Jacques  
Mayor

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Andrew Yeates  
CAO

# ʔatiqšič maḥsamin qʷamuuʔitk ʔiihmuut ʔuuščak mamuqḥsi Barbara Touchie



## SPECIAL EVENT — INVITE —

### Renaming of the Kw'isitits Theatre in honour of the late Barbara Touchie (Sičquuʔuʔ)

Pacific Rim National Park Reserve is renaming the Kw'isitits Theatre in honour of the late Barbara Touchie (Sičquuʔuʔ), a Yuuʔuʔiʔiʔaṭh member, for her contributions to her community and the communities of Ucluelet and Tofino; for her work for Parks Canada; and her dedication to Nuu-chah-nulth language revitalization in all the work she did.

**Date:** Saturday, January 30

**Time:** 1:00 pm

**Location:** Kw'isitits Visitor Centre, Wickaninnish Beach, Ucluelet



Yuuʔuʔiʔiʔaṭh



**Subject:** Meeting request for Mayor St. Jacques from Scott Fraser, MLA

Hello Dianne and Happy New Year,

I hope all is well with you and your family. I am working on developing a strategy to address some of the poverty issues in the Constituency following the release of the stark report *Vital Signs* showing some pretty grim statistics in the Region. With that in mind, I am bringing together the key leaders in the area to discuss next steps and would like to see if you would be available for a meeting in Port Alberni on Friday February 5<sup>th</sup> from 11:00 – 1:00 (location TBD). Lunch will be provided. Please let me know if this might work for you Dianne.

Thanks,

Scott

**Scott Fraser, MLA | Alberni-Pacific Rim**  
3945B Johnston Rd.  
Port Alberni, BC V9Y 5N4  
250-720-4515 | 1-866-870-4190

**UPDATE FROM STAFF: Meeting is confirmed for 11:30 - 1:30pm in Port Alberni.**



January 14, 2016

**RECEIVED  
VIA EMAIL**

Mayor Dianne St. Jacques and Councillors  
District of Ucluelet  
PO Box 999  
Ucluelet BC V0R 3A0

Dear Mayor and Councillors:

Re: Order of British Columbia ~ 2016 Call for Nominations

It is time once again to “call for nominations” for the Order of British Columbia, the highest honour the Province can bestow on its citizens for excellence and outstanding achievement. Anyone is welcome to nominate a deserving individual as candidate for appointment to the Order of British Columbia. I seek your assistance in informing your municipality about this opportunity to take part in the public recognition of its outstanding citizens.

An independent Advisory Council chaired by the Chief Justice of British Columbia considers nominations to the Province’s highest award for excellence and outstanding achievement. Three hundred and eighty-six distinguished British Columbians have been honoured since 1990.

For your information, a report listing all of the recipients of the Order, broken down by City/Town, is below.

Nomination forms for the Order are available [online](#) or by emailing the Honours and Awards Secretariat in Victoria at [bchonoursandawards@gov.bc.ca](mailto:bchonoursandawards@gov.bc.ca). Completed nominations must be received by the Secretariat by the first Friday in March (**March 4, 2016**) to be considered this year. Nominations received after this will automatically be forwarded for consideration in 2017.

Your continuing support of the Order of British Columbia is very much appreciated.

Yours sincerely,

Karen Felker  
Coordinator



*Order of British Columbia*  
**Recipients by City/Town**

<b>Year</b>	<b>Recipient Name</b>	<b>City</b>
1998	Michael V. O'Shaughnessy	
2003	Rose Charlie	Agassiz
2014	Hal Weinberg	Anmore

2006	Janet Nita Connolly	Atlin
2010	Pauline Hilistis Waterfall	Bella Bella
2006	Beverley Ann Busson	Blind Bay
2005	Temoseng Charles W. Elliott	Brentwood Bay
1998	Mark Angelo	Burnaby
1992	Sushma Datt	Burnaby
1998	Kenneth V. Georgetti	Burnaby
2008	Peter Legge	Burnaby
2008	Kathy Louis	Burnaby
1990	*Jack Shadbolt	Burnaby
1995	*Arthur Skidmore	Burnaby
1995	*Herbert Skidmore	Burnaby
1992	Kerrin Lee-Gartner	Calgary, AB
2007	Steven L. (Xwě lī qwěł těl) Point	Chilliwack
2000	*Thomas James Foord	Coldstream
1998	Iona V. Campagnolo	Comox
2004	*John W. Turvey	Comox
2014	Gloria Cuccione	Coquitlam
1996	*(Dorothy) Isabelle Stubbs	Courtenay
2008	Arthur Vickers	Cowichan Bay
1994	Sophie Mae Pierre	Cranbrook
2007	Sudarshan Bakshi	Delta
2003	*Irving K. (Ike) Barber	Delta
2011	Ken Dobell	Delta
2005	Felix A. Durity	Delta
2008	Bruno Marti	Delta
2001	*Hwunumetse' Simon Charlie	Duncan
2005	*Edward John Hughes	Duncan
2001	Raffi Cavoukian	Fergus
1998	Roger S. Tonkin	Gabriola Island
1998	*Jane Rule	Galiano Island
2001	*Chester A. Johnson	Garibaldi Highlands
1994	Ric Careless	Gibsons
1996	*Jack K. Harman	Gibsons
1999	Joseph Arthur Gosnell, Sr.	Gitlaxt'aamiks
1996	*John J. Verigin	Grand Forks
2000	Harvey Thommasen	Hagensborg



2014	Dana Brynelsen	Halfmoon Bay
2011	Phil Muir	Hazelton
2004	Peter James Newbery	Hazelton
1998	Roy Henry Vickers	Hazelton
1999	*Winnifred Ariel Weir	Invermere
1992	Ronald Allen Eland	Kamloops
2004	Nancy Greene Raine	Kamloops
2009	Clarence Thomas (Manny) Jules	Kamloops
2014	Leonard Stephen Marchand	Kamloops
1996	Basil Morissette	Kamloops
2010	Christopher Rose	Kamloops
1995	Nava Ashraf	Kelowna
2007	*William Bennett	Kelowna
2010	Brad Bennett	Kelowna
2008	*Harold Capozzi	Kelowna
2009	D. Ross Fitzpatrick	Kelowna
1994	M. Rendina Hamilton	Kelowna
2005	*Jack Jensen	Kelowna
2015	Barry Lapointe	Kelowna
2007	Daphne Odjig	Kelowna
2008	Mohini Singh	Kelowna
2012	*James "Jim" Ogilvie	Kimberley
2014	Ellis Ross	Kitamaat Village
2001	*Mervyn Wilkinson	Ladysmith
1991	*Bernard O. Brynelsen	Langley
2013	Donna Crocker	Langley
1994	*Lucille Johnstone	Langley
2015	Norman Rolston	Langley
1996	*Rosalind MacPhee	Lion's Bay
2011	Gordon Campbell	London
1991	*Neville (Pat) Duke	Lumby
1997	Howard White	Madeira Park
2000	*Lorne W. Davies	Maple Ridge
2008	Ann Meraw	Maple Ridge
1993	*F. Gordon Antoine	Merritt
1991	*Sherwin Kelly	Merritt

2007	*Josephine Mills	Mill Bay
2002	*H. Martin Kenney	Mission
2004	Richard James Beamish	Nanaimo
2000	Diana Krall	Nanaimo
2008	Kenneth Langelier	Nanaimo
2012	Carol Matthews	Nanaimo
1995	Kenneth McVay	Nanaimo
2000	Grace Elliott Nielsen	Nanaimo
1993	*Ross Charles Purse	Nanaimo
2011	Ellen White	Nanaimo
2006	Alver Chester Tait	New Aiyansh
2007	Francis Blatherwick	New Westminster
1990	*Gurdev S. Gill	New Westminster
2009	Dolores Kirkwood	New Westminster
1997	*William Everett McKinney	New Westminster
1994	Joan Acosta	North Vancouver
1997	Michael Conway Baker	North Vancouver
1991	*Edmund Desjardins	North Vancouver
2011	*Tim Jones	North Vancouver
2015	Robert Joseph	North Vancouver
2005	Bob Lenarduzzi	North Vancouver
2006	*Wendy B. McDonald	North Vancouver
2012	Djavad Mowafaghian	North Vancouver
1992	R.T. (Phil) Nuytten	North Vancouver
1993	*Dr. Sydney Segal	North Vancouver
2006	Clarence Louie	Oliver
2012	Dr. Robert Brent Thirsk	Orleans
1996	Ruth Schiller	Osoyoos
1995	*Dean George Frederick Curtis	Ottawa
2006	Stephen John Nash	Paradise Valley, CA
2014	Roger H. Barnsley	Parksville
1993	Takao Tanabe	Parksville
1999	Timothy J.C. Frick	Pender Island
2009	Hart Buckendahl	Penticton
2003	Harry McWatters	Penticton
2013	Peter Stephen Anderson	Pitt Meadows
1998	Brian A. Canfield	Point Roberts, WA

2003	Debra L. Foxcroft	Port Alberni
1992	Wolfgang Zimmermann	Port Alberni
1998	*Albert Dalzell	Port Clements
1998	Kathleen Dalzell	Port Clements
2001	Judith D. Forst	Port Moody
1997	Geraldine Braak	Powell River
2014	William (Bill) Clifford	Prince George
2013	Charles J. Jago	Prince George
2011	Baljit Sethi	Prince George
2010	Barbara Ward-Burkitt	Prince George
1994	*Peter James Lester	Prince Rupert
2012	Judith Guichon	Quilchena
2014	Tung Chan	Richmond
1992	Suezone Chow	Richmond
2009	Peter Dhillon	Richmond
1990	Richard M. (Rick) Hansen	Richmond
2010	*Milan Ilich	Richmond
2004	Balwant Sanghera	Richmond
2014	Aubrey J. Tingle	Richmond
1991	*Frank Beinder	Rossland
2001	Robert Bateman	Saltspring Island
2012	A. Kim Campbell	San Diego
1995	David W. Foster	Santa Monica, CA
1997	*Frances L. Fleming	Sechelt
1990	*Grace MacInnis	Sechelt
1999	*Alex A. Campbell	Sidney
2001	*Myfanwy Pavelic	Sidney
1993	Elida Peers	Sooke
2005	Raghubir Singh Bains	Surrey
2013	Larry Berg	Surrey
2015	Tim Collings	Surrey
1995	Robert Davidson	Surrey
2015	Al Etmanski	Surrey
1999	Charan Pal Singh Gill	Surrey
1995	*Tara Singh Hayer	Surrey
1991	Gordon F. MacFarlane	Surrey
2001	Leonel Perra	Surrey

2002	Gian Singh Sandhu	Surrey
1996	George B. Zukerman	Surrey
1995	Edna Cooper	Terrace
1995	Robert Cooper	Terrace
2014	Chester Moore	Terrace
2009	Ray Markham	Valemount
1990	Bryan Adams	Vancouver
2011	Luigi Aquilini	Vancouver
2010	Jacob (Jack) Austin	Vancouver
1992	Patricia Baird	Vancouver
2011	Peter Baird	Vancouver
1991	Vivien E. Basco	Vancouver
1991	*Jack T. Bell	Vancouver
2009	Samuel Belzberg	Vancouver
2014	Peter Bentley	Vancouver
2004	Thomas R. Berger	Vancouver
2009	*Leon Bibb	Vancouver
2002	John (Jack) Patrick Blaney	Vancouver
2004	George Bowering	Vancouver
1990	David A. Boyes	Vancouver
1990	*Vernon C. Brink	Vancouver
1995	*Rosemary Brown	Vancouver
1993	May Brown	Vancouver
2003	Peter Brown	Vancouver
2012	Sister Nancy Brown	Vancouver
2010	Robert Brunham	Vancouver
2015	Ron Burnett	Vancouver
2000	Helen Burnham	Vancouver
2014	John Cairns	Vancouver
2006	Wallace Bakfu Chung	Vancouver
2013	Sergio Cocchia	Vancouver
1990	*Joseph H. Cohen	Vancouver
2012	Dr. Peter L. Cooperberg	Vancouver
1993	Marilyn Dahl	Vancouver
1991	*Jack Diamond	Vancouver
2007	Gordon Diamond	Vancouver
1995	Isabelle Diamond	Vancouver

2014	Leslie Diamond	Vancouver
2006	*Thomas Anthony Dohm	Vancouver
1999	Beverly Witter Du Gas	Vancouver
2015	Jane Dyson	Vancouver
2011	David Emerson	Vancouver
2002	Gathie Falk	Vancouver
2007	B. Brett Finlay	Vancouver
1997	Marguerite Ford	Vancouver
1995	John A. Fraser	Vancouver
1990	Lori Fung	Vancouver
2010	John Furlong	Vancouver
2002	*Garde Basil Gardom	Vancouver
2012	Christopher Gaze	Vancouver
2002	Patsy George	Vancouver
2004	Leila Getz	Vancouver
2008	Gordon Gibson	Vancouver
2000	Virginia Giles	Vancouver
2006	S. Larry Goldenberg	Vancouver
2005	June E. Goldsmith	Vancouver
2013	Dr. Paula Gordon	Vancouver
2013	Wendy Grant-John	Vancouver
1998	*Hilda Gregory	Vancouver
2001	Chit Chan Gunn	Vancouver
2007	Gloria Gutman	Vancouver
2002	*Irving Guttman	Vancouver
2009	Robert Hancock	Vancouver
2013	Arthur S. Hara	Vancouver
1997	*Walter Gordon Hardwick	Vancouver
2003	James (Jim) Hart	Vancouver
2009	Michael Hayden	Vancouver
1997	Kathleen Heddle	Vancouver
1997	Margaret G. (Meg) Hickling	Vancouver
2010	Robert (Bob) Hindmarch	Vancouver
2014	James C. Hogg	Vancouver
2013	George Hungerford	Vancouver
2014	Jane Knott Hungerford	Vancouver
1991	Asa Johal	Vancouver

1997	*Douglas Jung	Vancouver
2012	Norman B. Keevil	Vancouver
1997	John C. Kerr	Vancouver
1996	Henry Ketcham	Vancouver
2012	Hassan Khosrowshahi	Vancouver
1990	*Walter C. Koerner	Vancouver
2006	Joy Kogawa	Vancouver
1998	Kazuko Komatsu	Vancouver
1995	*David C. Lam	Vancouver
1995	*Dr. Dorothy T. Lam	Vancouver
1996	*Peter Anthony Larkin	Vancouver
1998	Charles Laszlo	Vancouver
2012	Marion Lay	Vancouver
1990	Robert H. Lee	Vancouver
2003	Trevor Linden	Vancouver
2015	Don R. Lindsay	Vancouver
2000	Victor Ling	Vancouver
2014	H. Anne Lippert	Vancouver
1991	*Tong Louie	Vancouver
1990	*Anne E. Macdonald	Vancouver
1991	*Irene MacDonald	Vancouver
2003	*Roy Mah	Vancouver
2010	Marco Marra	Vancouver
2004	Grace M. McCarthy	Vancouver
2006	Gerald A.B. McGavin	Vancouver
2005	Edith McGeer	Vancouver
2005	Patrick McGeer	Vancouver
2001	Sarah McLachlan	Vancouver
1999	David G. McLean	Vancouver
2009	Roy Miki	Vancouver
2000	Margaret Mitchell	Vancouver
2010	Julio Montaner	Vancouver
2001	Beverly Nann	Vancouver
1990	*Nathaniel T. Nemetz	Vancouver
2015	Rudolph "Rudy" North	Vancouver
1990	*James Oscar Orr	Vancouver
2011	Karen O'Shannacery	Vancouver

1990	James (Jim) Allen Pattison	Vancouver
2002	K. George Pedersen	Vancouver
1993	*Barbara L. Pentland	Vancouver
2005	Martha C. Piper	Vancouver
2014	David Reed Podmore	Vancouver
2003	*John W. (Jack) Poole	Vancouver
1996	Derek Porter	Vancouver
2007	Patricia Proudfoot	Vancouver
2015	Saida Rasul	Vancouver
1994	*William (Bill) A. P. Reid	Vancouver
2014	Bob Rennie	Vancouver
2003	Dal Richards	Vancouver
2004	*Donald Rix	Vancouver
1999	*Geoffrey C. Robinson	Vancouver
2011	Jim Robson	Vancouver
1998	Martha E. Salcudean	Vancouver
2004	*William L. Sauder	Vancouver
1994	William G. Saywell	Vancouver
1994	Martin T. Schechter	Vancouver
2004	Alfred J. Scow	Vancouver
2013	Dr. Charles Henry Scudamore	Vancouver
1992	Joseph Segal	Vancouver
2015	Lorne Richard Segal	Vancouver
2015	Jim Shepard	Vancouver
1994	*Dr. Michael Smith	Vancouver
2002	*Ernest Alvia (Smokey) Smith	Vancouver
2012	Tricia Smith	Vancouver
1999	Richard Stace-Smith	Vancouver
1995	David T. Suzuki	Vancouver
1990	*Erwin M. Swangard	Vancouver
2015	Tamara Taggart	Vancouver
2015	Hari Varshney	Vancouver
2006	*Erich W. Vogt	Vancouver
2005	Anthony von Mandl	Vancouver
2000	Henry Hiroshi Wakabayashi	Vancouver
1991	*Harry V. Warren	Vancouver
2009	Linda Warren	Vancouver

1990	*Peter Wing	Vancouver
2003	*Milton K. Wong	Vancouver
1994	*Morris J. Wosk	Vancouver
2001	Yosef Wosk	Vancouver
2015	Sing Lim Yeo	Vancouver
2015	Melvin Zajac	Vancouver
2013	Finley Armanious	Vernon
2007	Larry Bell	Vernon
1990	*Margaret Ormsby	Vernon
2007	James Spencer	Vernon
1999	Jean Jacques André	Victoria
1990	*Gerald Andrews	Victoria
1996	*Dr. Peter John Banks	Victoria
2012	David Barrett	Victoria
2004	*Frank Arthur Calder	Victoria
1992	R. Wayne Campbell	Victoria
1999	Eric Charman	Victoria
1992	Mel Cooper	Victoria
2010	Dan Doyle	Victoria
2011	Crystal Dunahee	Victoria
2010	Jeneece Edroff	Victoria
2013	Gregory Fahlman	Victoria
2008	*Edward (Ted) Hardy Harrison	Victoria
2000	*Jane Heffelfinger	Victoria
1991	Richard Ralph Hunt	Victoria
2010	Tony Hunt	Victoria
2000	Vicky Husband	Victoria
2005	Perry Robert William Kendall	Victoria
2014	Paul Lacerte	Victoria
1995	*J. Fenwick Lansdowne	Victoria
1992	*Dorothy Livesay	Victoria
2008	Charles Ludgate	Victoria
2005	E. George MacMinn	Victoria
1991	*Ian McTaggart-Cowan	Victoria
2002	Norma I. Mickelson	Victoria
1999	*J. Mavor Moore	Victoria
2003	*P.K. Page	Victoria



1990	Howard E. Petch	Victoria
2008	*Peter Ransford	Victoria
2001	*R. Hayward Rogers	Victoria
1990	*Robert G. Rogers	Victoria
1990	*R. Ian Ross	Victoria
1993	*Dunc. Russell	Victoria
1992	Carole Sabiston	Victoria
2008	Kathy Shields	Victoria
2008	Kenneth W. D. Shields	Victoria
1999	Alison Sydor	Victoria
1999	Nancy J. Turner	Victoria
1991	*Lawrence J. Wallace	Victoria
2008	Andrew Weaver	Victoria
1993	Lorna Williams	Victoria
2001	*Ken Willoughby	Victoria
2001	Jan Willoughby	Victoria
2007	Michael J. Audain	West Vancouver
1993	Unity Bainbridge	West Vancouver
2003	*Geoffrey E.H. Ballard	West Vancouver
1990	*Henry P. Bell-Irving	West Vancouver
2005	*Denny Boyd	West Vancouver
2004	Barbara Brink	West Vancouver
1994	*Dr. Jean Coulthard	West Vancouver
2014	Douglas Coupland	West Vancouver
2007	Max Cynader	West Vancouver
1990	Helmut M. Eppich	West Vancouver
2011	Yuri Fulmer	West Vancouver
2000	*Murray Goldman	West Vancouver
2012	Rick Harry (Xwalacktun)	West Vancouver
2013	Robert H. N. Ho	West Vancouver
2000	Paul Frederick Howard	West Vancouver
2003	*Edgar F. Kaiser, Jr.	West Vancouver
2010	Patricia (Patti) Leigh	West Vancouver
2015	Wendy Lisogar-Cocchia	West Vancouver
2009	Brandt Louie	West Vancouver
1996	*Eleanor Malkin	West Vancouver
2014	K. Barry Marsden	West Vancouver

2006	Murray A. Newman	West Vancouver
2011	J.C. "Jim" O'Rourke	West Vancouver
1990	*Leslie Raymond Peterson	West Vancouver
2014	*John Brian Patrick "Pat" Quinn	West Vancouver
2000	Gordon A. Smith	West Vancouver
1993	*A.J. (Jim) Spilsbury	West Vancouver
2015	Ginny Dennehy	Whistler
2015	Kerry Dennehy	Whistler
1991	Barbara J. Rae	Whistler
1990	Phyllis Chelsea	Williams Lake
1992	Joan Gentles	Williams Lake
2001	Sarah-Spring Stump	Williams Lake
2007	Iain Baxter&	Windsor, ON
2005	William Patrick Kinsella	Yale

*(\*) Deceased*

**Subject:** Attention: Mayor St Jacques

Dear Mayor St Jacques,

I am very happy to report that the story I emailed you about in December now has a happy ending. When the Shinto statue was stolen, we posted a plea for help on the Vancouver Aquarium Facebook page. We had a lot of messages of sympathy and many people shared the post on our behalf. Last Sunday 10 January, a member of our Security team walked past the exhibit and noticed a child playing with the statue in front of the exhibit. The statue must have been anonymously returned earlier that morning. Our team was so thrilled to see the statue returned to us after going missing for three weeks.

We have not returned the statue to the exhibit yet as we have been looking into options to keep the statue safe in the future. Our team will be attaching the plastic bubble around the statue with additional fortification that would be very difficult to remove. This should be fitted in the next few weeks and I will update you then.

Thank you again for temporarily loaning the statue to us. After the incredible story of travelling from Japan to Ucluelet, and being stolen and now returned, it has huge significance for our team. We are excited to place the statue back on display to share the story of the Japanese tsunami with our visitors.

I am happy to discuss this with you at any time.

Kind regards,  
Kate

**Kate Le Souef**

Vancouver Aquarium Marine Science Centre

d. [REDACTED] | Toll-Free [REDACTED]

c. [REDACTED]

**From:** Kate Le Souef

**Sent:** Wednesday, December 23, 2015 9:54 AM

**To:** 'info@ucluelet.ca'

**Cc:** 'Karla Robison'; [REDACTED]

**Subject:** Attention: Mayor St Jacques

Dear Mayor St. Jacques,

I work on the Great Canadian Shoreline Cleanup at the Vancouver Aquarium. In June 2015, together with marine debris artist Pete Clarkson, we put up [an exhibit at the Aquarium](#) to tell the story of the Japanese tsunami and the debris that has washed up in British Columbia in the months after the tsunami. On behalf of the District of Ucluelet, Karla Robison generously loaned us a beautiful wooden statue of a Japanese god, which was found on beaches around Ucluelet by the former mayor (loan agreement attached). This was an important and treasured part of our display.

Unfortunately, last week our Visitor Experience team noticed that the statue was missing from the display. The protective plastic bubble around the statue had been deliberately unscrewed and the statue removed from its position. Our security cameras unfortunately do not cover this area. Since the incident could have happened any time in a period of 2 days when we had numerous events and groups moving through the space, we cannot track who might have stolen the statue.

I am very sorry to inform you of the loss of this statue. Although theft is sometimes an issue with items like iPads in our galleries, we were surprised by the effort that this thief took to unscrew the bubble and steal this item undetected. Our team was very upset to lose your beautiful item, which had no monetary value but was invaluable because it told the story of the tsunami, the tragic loss of life, and the connection between Japan and Canada.

I have left messages for you at the District Offices and would be happy to speak on the phone anytime.

Kind regards,  
Kate

**Kate Le Souef**

Manager, Great Canadian Shoreline Cleanup  
Vancouver Aquarium Marine Science Centre

d. [REDACTED] | Toll-Free [REDACTED]  
c. [REDACTED]



The Vancouver Aquarium Marine Science Centre is a non-profit society dedicated to the conservation of aquatic life.  
[www.vanaqua.org](http://www.vanaqua.org)

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We enjoy talking to you – If you do not wish to receive further information from us (where applicable), please email [PRIVACY@VANAQUA.ORG](mailto:PRIVACY@VANAQUA.ORG) or write to our policy officer at Vancouver Aquarium, PO Box 3232 Vancouver, BC V6B 3X8

**NOTE: Email is reprinted here with permission.**



January 11, 2016

Reference: 252888

Dear Union of B.C. Municipalities and Local Governments:

**Re: Discussion of the Emergency Program Act**

As Minister of State for Emergency Preparedness, I am pleased to announce the release of *Prepared and Resilient: A Discussion Paper on the Legislative Framework for Emergency Management in British Columbia*.

This document is intended to support an online consultation and engagement with British Columbians through a dialogue about the current *Emergency Program Act* (the Act), which sets out the key responsibilities and authorities to guide and enable experts at the local and provincial levels in preparing for, responding to and recovering from emergencies and disasters.

It is our intention to review the Act to ensure that it provides a solid legal foundation to meet whatever challenges that may come our way here in this province, be they small scale emergencies contained at the local level or catastrophic events affecting a region or even possibly the entire province.

The Act was first introduced in 1993 and has undergone few changes since. While legislation may not be top of mind when we think about being prepared for an emergency or disaster, it is the key source of responsibilities and authorities required to empower elected officials and emergency management personnel to take the right actions at the right time.

*Prepared and Resilient* describes challenges in the current legislation as well as proposals for possible changes. The challenges and proposals reflect recent changes some Canadian jurisdictions have made to modernize their emergency management laws, as well as the findings and recommendations of two recent reports here in B.C.—the 2014 earthquake preparedness reports of the Auditor General and Henry Renteria.

The input we receive from you and other stakeholders through this consultation will be a key component to informing our government's review of the Act and, ultimately, any decision to move forward with the introduction of possible legislative changes.

.../2

- 2 -

The consultation period begins on January 11, 2016, with the release of the paper, and will continue until February 19, 2016, at 4:00 p.m. Please submit your formal responses to [citizenengagement@gov.bc.ca](mailto:citizenengagement@gov.bc.ca) before the end of the consultation period.

In order to promote that transparency of this review, any submission from your organization, or other stakeholders who have been invited to participate, may be posted on <http://engage.gov.bc.ca/emergencyprogramact/> The web site contains a list of all stakeholders who have received invitations to participate. Please include the name of your organization in your submission. To protect your privacy or the privacy of any other members of your organization, please do not include your personal phone number or e-mail address in your submission.

Emergency management is fundamentally about partnerships. We must all continue to work together to ensure a prepared and resilient B.C. I am therefore looking forward to hearing the feedback and thoughts you and the members of your organization may have for possible improvements to the legislative framework for emergency management in B.C.

Sincerely,



Naomi Yamamoto  
Minister of State



BRITISH  
COLUMBIA

# Prepared and Resilient

*A discussion paper on the legislative framework for  
emergency management in British Columbia*

JANUARY 2016



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## Message from the Minister

As Minister of State for Emergency Preparedness, I am pleased to announce the release of *Prepared and Resilient: A Discussion Paper on the Legislative Framework for Emergency Management in British Columbia*. This document is intended to support a consultation that will engage stakeholders in a dialogue about emergency management legislation in British Columbia.

When we think about being prepared for an emergency or disaster I think it is fair to say that legislation is not top of mind. Nevertheless, we must recognize that the coordination and synergies of emergency management experts in this province—whether at the local or provincial level—starts with understanding and fulfilling key emergency management responsibilities and having the appropriate authority to take the right actions at the right time when faced with an emergency or disaster. That’s where legislation comes in: to establish the legal framework for a prepared and resilient British Columbia.

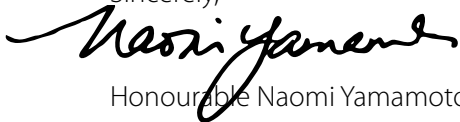
The *Emergency Program Act* is the key piece of legislation for emergency management in British Columbia. The Act, which was introduced in 1993, sets out roles and responsibilities for local authorities and the provincial government in preparing for, responding to and recovering from emergencies and disasters. The Act also sets out the authority for local government or the province to declare a state of emergency and to use emergency powers to protect the health, safety or welfare of people and to limit damage to property.

A key challenge with the Act and its regulations—and a principal reason for this consultation and engagement—is that while best practices in the field of emergency management in B.C. and elsewhere have evolved significantly over the past two decades, the *Emergency Program Act* has remained largely unchanged since its introduction and has never been the subject of a full and open review as proposed herein. The time has therefore come for us to examine the Act to ensure it provides the solid legal foundation we need here in B.C. to meet whatever challenges may come our way, be they small scale emergencies contained at the local level or catastrophic events affecting a region or even possibly the entire province.

This consultation acknowledges recent changes some other Canadian jurisdictions have made to modernize their emergency management laws. The engagement has also been shaped by findings and recommendations of the 2014 earthquake preparedness reports of the Auditor General and Henry Renteria, the former head of California’s Office of Emergency Services who consulted with stakeholders on earthquake preparedness issues and priorities.

Ultimately, though, it is the input and feedback that we receive from interested British Columbians on the challenges and proposals outlined herein that will best inform the development of any changes to the law. It is my hope that this consultation will engage British Columbians in a dialogue so that together we can create legislation that supports a prepared and resilient B.C.

Sincerely,



Honourable Naomi Yamamoto  
Minister of State for Emergency Preparedness

## Executive Summary

The Premier's mandate letter to Minister of State for Emergency Preparedness Naomi Yamamoto directs the Minister to lead a review of the *Emergency Program Act* (Act) to ensure the legislation is up to date and effective in managing the impacts of emergencies in British Columbia, providing a report back to Cabinet Committee on Secure Tomorrow on or before March 31, 2016.

This engagement is intended to be a key component of the review of the legislation. It highlights several key challenges in the Act and seeks input from stakeholders on proposals for possible legislative changes so that government may better understand what improvements if any may be needed to ensure the Act is up to date and effective.

The specific examples of challenges presented in this consultation fall into one of the following three discussion areas, with each including proposals for possible changes to the Act for consideration and input of stakeholders:

### **A. Modernizing fundamental concepts and structure of the Act:**

1. Phases of emergency management (prevention, preparedness, response and recovery);
2. Definition of emergency and disaster; and
3. Definition of local authority.

### **B. Clarifying roles and responsibilities:**

4. Emergency Management BC;
5. Provincial emergency planning, response and recovery responsibilities;
6. Ministerial authority to direct emergency planning; and
7. Provincial authority for private sector and non-government agencies.

### **C. Supporting emergency response and recovery:**

8. Shared responsibilities for emergency response;
9. State of Emergency;
10. Evacuation orders; and
11. Employment protection.

Stakeholder input on the identified challenges and discussion questions may be submitted to [citizenengagement@gov.bc.ca](mailto:citizenengagement@gov.bc.ca) by Feb. 19, 2016. In order to promote the transparency of the review and engagement process, submissions received from stakeholders who Minister Yamamoto invited to provide input may be posted to Emergency Management BC's website. Submissions from members of the public posted to the website forum will be reviewed and incorporated into the review process along with the other stakeholder submissions.

# Context of a Review of the *Emergency Program Act*

## OVERVIEW OF THE LEGISLATIVE FRAMEWORK

The *Emergency Program Act* provides the legislative framework for the management of disasters and emergencies within British Columbia. This framework defines responsibilities of local authorities, provincial ministries and crown corporations along with the responsibility for the Province's emergency management program. It requires local authorities, ministries, crown corporations, and government agencies to develop plans and programs to prepare and respond to emergencies and disasters in the Province. It also provides local authorities, the Minister responsible for the Act, and the Lieutenant Governor in Council, with the ability to declare a state of emergency in order to access the extraordinary powers required to co-ordinate emergency responses.

Supporting the *Emergency Program Act* are three regulations made under the authority of the statute:

- ▶ *Emergency Program Management Regulation* identifies duties and responsibilities of provincial ministries and government corporations in relation to specific hazards and generally in the event of an emergency;
- ▶ *Local Authority Emergency Management Regulation* outlines roles and responsibilities of Local Authorities; and
- ▶ *Compensation and Disaster Financial Assistance Regulation* establishes the framework for the provisions of disaster financial assistance.

## WHY REVIEW THE ACT?

The time is ripe to review the *Emergency Program Act* to ensure it is effective in supporting the management of emergencies in British Columbia. The current iteration of the *Emergency Program Act* dates back to 1993 and has been subject to a small number of limited amendments since then. Over the last two decades various events and operational responses have prompted the provincial government and other partners in emergency management to consider and revise operational practices and procedures.

A further factor contributing factor are the 2014 reports of the Office of the Auditor General and Henry Renteria on earthquake preparedness. These reports further highlighted where changes may be necessary to improve the preparedness of British Columbians in relation to the possible occurrence of a catastrophic event.

Finally, the Premier's July 30, 2015 mandate letter to Minister Yamamoto directs the Minister to lead a review of the Act to ensure the legislation is up to date and effective in managing the impacts of emergencies in British Columbia and reporting back to Cabinet Committee on Secure Tomorrow on or before March 31, 2016. This consultation is intended as a key step in achieving a review as envisioned in the mandate letter by engaging stakeholders in a discussion about what improvements if any may be needed to ensure the Act is up to date and effective.

## SCOPE OF REVIEW

This engagement identifies 3 main challenges in the Act and broken out into the following discussion areas:

- A. Modernizing fundamental concepts and structure of the Act**
- B. Clarifying roles and responsibilities**
- C. Supporting emergency response and recovery**

The list of challenges and examples presented for discussion and consideration are focussed on the Act and not the regulations. However, this does not preclude comments and input on any of the regulations as potential changes to the Act could also have implications for matters set out under the regulations.

Finally, the discussions presented here are not intended to be an exhaustive list. It is hoped that the items raised here will generate thought and discussion that will result in a broad range of items for government to consider.

## OVERVIEW OF REVIEW PROCESS

Minister Yamamoto sent letters to key stakeholders on the release date of this engagement to invite them to provide submissions on the challenges and proposals outlined herein. In order to promote the transparency of the review and engagement process, submissions received from stakeholders who received invitations may be posted to Emergency Management BC's website. A list of these stakeholders is also provided on the website.

Other interested stakeholders, including members of the public, may also make submissions.

Any submissions received from individuals or organizations who did not receive invitation letters from Minister Yamamoto will also be reviewed and incorporated into the review process; these submissions will be collected via the EMBC website forum.

Submissions will be received up to Feb. 19, 2016, at 4 p.m. At the closing of the consultation period, all submissions will be reviewed and analyzed for themes and suggestions that can be compiled and presented by Minister Yamamoto to the Cabinet Committee on Secure Tomorrow on or before March 31, 2016, in accordance with the Minister's mandate letter.

## Challenges and Proposals

### Discussion Area A:

#### Modernizing fundamental concepts and structure of the Act

##### Discussion 1:

##### The phases of emergency management

###### Background:

Emergency management is a universal term for the systems and processes used for preventing or reducing the impacts of disasters on communities. Emergency management is conceptualized in four phases: prevention/mitigation, preparedness, response and recovery.

This phased approach is an internationally recognized standard for defining and understanding different aspects of emergency management and is integral to the systems and processes in BC that local authorities and government use to minimize vulnerability to hazards and for coping with disasters. For example, over the last two decades local authority and government emergency plans, which are a central feature of the *Emergency Program Act*, have come to be understood as plans related to preparedness for, prevention and mitigation of, response to and recovery from an emergency and its effects.

###### Challenge in the current legislative framework:

While the *Emergency Program Act* references aspects of the phased approach to emergency management, it is important that the terms prevention, preparedness, response and recovery are used consistently throughout the legislation. Consideration should be given to structuring the Act

to reflect the distinct subject matter of the phases whereby separate parts are established for each phase, with powers and duties for local authorities and the provincial government set out in each part.

The Act's current name should also better reflect the emergency management focus of the act. The current name reflects the role of the Provincial Emergency Program, which has been superseded by Emergency Management BC. See Discussion Area B, Discussion 4. As well, "emergency program" is not defined and, while the term "program" is used in numerous sections in the Act, it may be unclear in some sections as to what this term means in relation to the phases of emergency management.

A further consideration is the definition of "local authority emergency plan" and "provincial emergency plan". These definitions do not currently emphasize that emergency planning involves all phases of emergency management.

###### Relevant sections in the legislation:

- ▶ Title of the Act
- ▶ Part 1—Definitions and Application
- ▶ Part 2—Administration
- ▶ Part 3—Emergencies, Disasters and Declared Emergencies

**Proposal:**

Consideration should be given to the following potential changes to the Act:

1. Renaming it the *Emergency Management Act*.
2. Restructuring the Act so that it contains parts reflecting the phases of emergency management (i.e. a part dedicated to preparedness, a part dedicated to response etc.)
3. Removing the term “emergency program” and references to “program” or “programs” throughout.
4. Defining an “emergency plan” as a plan under the Act to prepare for, prevent, mitigate against, respond to and recover from an emergency and its effects.

**Discussion 2:  
Definition of “emergency”****Background:**

A definition of an “emergency” is essential to emergency management legislation. In the *Emergency Program Act*, the term “emergency” gives meaning to other important concepts such as emergency plans, emergency programs, emergency measures, and states of emergency.

The current definition of emergency in the Act provides that it is a “present or imminent event or circumstance that is caused by accident, fire, explosion, technical failure or the forces of nature ...”. A “disaster”, on the other hand, is a subset of an emergency. The Act defines a disaster as a calamity that is caused by accident, fire, explosion or technical failure or by the forces of nature and has resulted in serious harm to people or widespread damage to property.

**Challenge in the current  
legislative framework:**

BC’s legislation limits the definition of an emergency to a specific set of causes, which raises a question as to whether some events or circumstances may fall outside the scope of the Act. Similar legislation in other provincial jurisdictions generally uses broader language that puts an emphasis on defining an emergency based on what could or does result from an event, situation, or condition. Many other jurisdictions have also included damage to the environment in the definition of emergency.

**Relevant sections in the legislation:**

- ▶ Section 1 of the *Emergency Program Act*

## Proposal:

1. Consider removing the potential causes in the definition of 'emergency' and clarify that an emergency includes a disaster. The following definitions from other Canadian jurisdictions may be a helpful guide in revising the definition of 'emergency' in BC:
  - Manitoba's *Emergency Measures Act* defines 'emergency' as follows:

*"a present or imminent situation or condition that requires prompt action to prevent or limit (a) the loss of life; or (b) harm or damage to the safety, health or welfare of people; or (c) damage to property or the environment"*
  - Alberta's *Emergency Management Act* defines 'emergency' as follows:

*"an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property"*
  - Ontario's *Emergency Management and Civil Protection Act* defines emergency as follows:

*"a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise"*
2. Consider including damage to the environment in the definition of emergency.

## Additional information for consideration:

- ▶ Manitoba's *Emergency Measures Act*:  
<https://web2.gov.mb.ca/laws/statutes/ccsm/eo8oe.php>
- ▶ Alberta's *Emergency Management Act*:  
<http://www.qp.alberta.ca/documents/Acts/Eo6P8.pdf>
- ▶ Ontario's *Emergency Management and Civil Protection Act*:  
<http://www.ontario.ca/laws/statute/90e09>
- ▶ Nova Scotia's *Emergency Management Act*:  
<http://nslegislature.ca/legc/>

## Discussion 3: Definition of “local authority”

### Background:

Four treaties have been ratified to date under the BC Treaty Process with the Maa-Nulth First Nations, Tsawwassen First Nation, Tla’amin Nation, and Yale First Nation. In addition, a treaty was implemented outside of the treaty process with the Nisga’a in 2000.

All of the modern treaties implemented or ratified provide that Treaty First Nations and the Nisga’a Lisims Government have the “rights, powers, duties and obligations of a local authority under federal and provincial law in respect of emergency preparedness and emergency measures” on Treaty Lands. This includes specific law making authority in relation to emergency preparedness and emergency measures, as well as authority to declare a state of local emergency and exercise the powers of a local authority in accordance with federal and provincial laws in respect of emergency measures.

### Challenge in the current legislative framework:

The *Emergency Program Act* defines a ‘local authority’ as one of the following:

- ▶ A municipality
- ▶ Regional district
- ▶ National park subject to an agreement between the province and the government of Canada

The definition does not currently include Treaty First Nations or the Nisga’a Lisims Government. As the Treaty First Nations have the status of local authorities for the purposes of the *Emergency Program Act*, consideration needs to be given to modernizing the definition of ‘local authority’ in the Act to ensure proper alignment with the provisions

of the treaties. This change will further reinforce the continued coordination of activities and shared responsibilities between the provincial government, Treaty First Nation governments, local governments, and other institutions to work together to mitigate, prepare for, respond to and recover from disasters.

### Relevant sections in the legislation:

- ▶ Sections 1, 5, 6, 8, 10, 12, 13, 14, 15, 18, 19 of the *Emergency Program Act*
- ▶ Local Authority Emergency Management Regulation
- ▶ Compensation and Disaster Financial Assistance Regulation

### Proposal:

1. Consider changing the definition of ‘local authority’ to include Treaty First Nations, including the Nisga’a Lisims Government.
  - Consider the impact of this proposal in relation to all provisions in the Act that are applied to local authorities.
  - This proposal is subject to provincial government consultation with the Treaty First Nations and the Nisga’a Lisims Government in accordance with treaty obligations.

### Additional information for consideration:

BC Treaties:

- ▶ Under the BC Treaty Process:  
<http://www.bctreaty.net/files/treaties-and-agreements-in-principle.php>
- ▶ Nisga’a Final Agreement:  
<http://www.nnkn.ca/files/u28/nis-eng.pdf>



## Discussion Area B: Clarifying roles and responsibilities

### Discussion 4: Emergency Management BC

#### Background:

Emergency management requires cross-agency, cross-government and inter-jurisdictional coordination and integration to ensure effective delivery of emergency management services.

Emergency Management British Columbia (EMBC) was established in 2006 to take on the responsibilities of its predecessor, the Provincial Emergency Program (PEP), and to take on the role as the lead coordinating agency in the provincial government for all emergency management activities.

EMBC provides executive coordination, strategic planning, and multi-agency facilitation and strives to develop effective working relationships in an increasingly complex emergency management environment. EMBC works with local governments, First Nations, federal departments, industry, non-government organizations and volunteers to support the emergency management phases of mitigation/ prevention, preparedness, response and recovery. Additionally, EMBC engages provincial, national and international partners to enhance collective emergency preparedness.

Challenge in the current legislative framework:

The *Emergency Program Act* does not currently reference Emergency Management BC. Instead, the Act continues to reference the Provincial Emergency Program.

#### Relevant sections in the legislation:

- ▶ Section 2 of the *Emergency Program Act*
- ▶ Section 2 of the *Emergency Program Management Regulation*

#### Proposal:

1. Establish Emergency Management BC in legislation and remove references to the Provincial Emergency Program.
2. Clarify the responsibilities of the director of EMBC to include the following:
  - Lead the coordination of all provincial government emergency management activities,
  - Provide advice and assistance to other authorities—provincial and local authorities—in their emergency management responsibilities,
  - Establish and maintain a provincial emergency management system to standardize provincial emergency response activities, and
  - Reduce risk by promoting and supporting emergency preparedness, prevention and mitigation, response and recovery initiatives.

#### Additional information for consideration:

- ▶ EMBC website:  
<http://www.embc.gov.bc.ca/index.htm>
- ▶ EMBC's strategic plan:  
<http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/embc-strategic-plan.pdf>

## Discussion 5: Assigning provincial emergency planning, response, and recovery responsibilities

### Background:

Under section 4(1) of the *Emergency Program Act*, the Minister responsible for the Act is required to prepare provincial emergency plans respecting preparation for, response to and recovery from emergencies and disasters.

The Act also provides authority under section 28(2) (a) for the Lieutenant Governor in Council (LGIC) to assign responsibilities to ministries, boards, commissions or government corporations or agencies for the preparation and implementation of emergency plans, including arrangements to deal with emergencies and disasters.

The Emergency Program Management Regulation contains requirements for ministers and government corporations to develop emergency plans. The responsibility for ministers to make provincial emergency plans for specific hazards is assigned in Schedule 1 of the Regulation. Schedule 2 of the regulation sets out duties of ministers and government corporations in the event of an emergency.

### Challenge in the current legislative framework:

The Ministerial responsibility under the Act for preparing provincial emergency plans and the LGIC authority to assign responsibility for provincial emergency plans requires clarification. The Minister responsible for the Act does not prepare all provincial emergency plans respecting preparation for, response to and recovery from emergencies and disasters. This responsibility is distributed across government ministries and agencies, a process that

is more accurately reflected in schedule 1 of the EPM Regulation.

However, the feasibility of assigning emergency planning and other duties by way of regulation is questionable. Emergency management practices have evolved considerably over the last two decades and will continue to do so. The process of updating and changing provincial emergency responsibilities through amendments to a regulation can be cumbersome and not well suited to responding to changes in the dynamic emergency management environment.

A further matter in the context of provincial emergency management responsibilities is the extent to which the legislative framework should capture public organizations such as school boards and health authorities, which do not fall under the definition of Government Corporation. Henry Renteria acknowledged concerns of many stakeholders respecting emergency management plans and capacities across specific sectors (p. 19). While other public bodies with various degrees of independence from government engage with government ministries in emergency planning processes, the question of government's responsibility to ensure coordination of planning, response and recovery duties when and where necessary should be considered.

### Relevant sections in the legislation:

- ▶ Sections 4 and 28 of the *Emergency Program Act*
- ▶ See the *Emergency Program Management Regulation*

**Proposal:**

- 1.** Consider removing the current scheme from the Act whereby the Lieutenant Governor in Council (LGIC) assigns emergency planning, response and recovery duties by regulation and provide for the following in the Act:
  - An authority for the minister responsible for the Act to require other ministers, after consulting with them, to prepare emergency plans in relation to specified hazards.
  - An authority for the Minister responsible for the Act to require, after consultation, that a minister, government corporation, or other prescribed public bodies prepare emergency plans in relation to carrying out specific emergency response and recovery duties.
- 2.** In order to support the proposed changes outlined above, other amendments would be required, including the following:
  - Define ‘hazard’ as something that may cause, or contribute substantially to the cause of, an emergency.
  - Move the existing requirements in section 3 of the Emergency Program Management Regulation respecting emergency planning to the Act.
  - Provide an LGIC regulation creating the authority to prescribe public bodies for the purposes of the Act.

**Additional information for consideration:**

- ▶ Henry Renteria’s 2014 report on B.C. Earthquake Preparedness:  
[http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/renteria\\_eq\\_consultation\\_report\\_2014.pdf](http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/renteria_eq_consultation_report_2014.pdf)

## Discussion 6: Ministerial authority to direct emergency planning

### Background:

Effective emergency planning is essential to emergency management. In B.C., local governments lead the initial response to emergencies and disasters in their communities and, as required under the Act, they prepare emergency plans and maintain an emergency management organization to ensure the safety of citizens when a situation escalates beyond the first responder level.

Under section 4(2)(f) of the Act, the Minister has the authority to review and recommend changes to a local emergency plan. Currently, Emergency Management BC works with its partners in local governments to provide advice and guidance on the development of local emergency plans.

### Challenge in the current legislative framework:

While the Minister has authority under the Act to review and recommend changes to a local emergency plan, the minister does not have authority to require that a local authority make changes to their plans in situations where a cooperative approach has not been productive to address a significant issue with a plan.

Most other jurisdictions in Canada provide the Minister responsible with authority to review and, if necessary, require changes to emergency plans. Manitoba has a clear and comprehensive scheme

under section 8 of that province's Act for the Minister to require revisions to local authority emergency plans as well as those across the provincial government. Ontario's Act provides authority for the Minister to set standards for plans under section 14 of that province's Act. Section 9 of Alberta's Act provides that the Minister responsible may "review and approve or require the modification of provincial and emergency plans and programs".

Henry Renteria referenced the expectation many stakeholders in British Columbia have with respect to provincial government leadership in setting standards respecting emergency plans and programs. Specifically, he stated that Emergency Management BC must "provide more clarity regarding the expectations of local authorities in the area of emergency management" in support of his recommendation that EMBC's authority be augmented to set minimum standards for emergency management programs.

### Relevant sections in the legislation:

- ▶ Section 4 of the *Emergency Program Act*

### Proposal:

1. Consider the addition of authority to provide that the Minister responsible for the Act may make an order requiring a local authority to change its local emergency plan where the minister has reviewed the plan and recommended modifications.
  - The authority should only be available to the Minister after the Minister has recommended modifications to an emergency plan and this authority should parallel the authority of the Minister to require revisions/changes to provincial emergency plans established by other ministries, government corporations and other agencies.

### Additional information for consideration:

- ▶ Alberta's *Emergency Management Act*:  
<http://www.qp.alberta.ca/documents/Acts/Eo6P8.pdf>
- ▶ Manitoba's *Emergency Measures Act*:  
<https://web2.gov.mb.ca/laws/statutes/ccsm/eo8oe.php>
- ▶ Ontario's *Emergency Management and Civil Protection Act*:  
<http://www.ontario.ca/laws/statute/9oe09>
- ▶ Henry Renteria's 2014 report on B.C. Earthquake Preparedness:  
[http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/reneria\\_eq\\_consultation\\_report\\_2014.pdf](http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/reneria_eq_consultation_report_2014.pdf)

### Discussion 7:

#### Private sector and non-government agencies

### Background:

It is vital that critical infrastructure function through an emergency—a community's ability to respond and recover from a disaster requires restoration of and access to water, food, electricity, communications and other critical infrastructure.

In his 2014 *British Columbia Earthquake Preparedness: Consultation Report*, Henry Renteria wrote that entities such as private sector organizations and NGOs have a responsibility to those that depend on their services, particularly those organizations that provide critical goods and services, which, if disrupted or destroyed, would have a serious impact on the health, safety, security or economic well-being of citizens.

While Renteria's report acknowledges the efforts to date of Emergency Management BC to work with critical infrastructure (CI) partners through the establishment of a cross sector CI Steering Committee, he recommended the following key action to enhance the engagement of private sector and non-government organizations in emergency management as well support province-wide risk analysis:

*"As a backdrop to voluntary engagement, the provincial and federal government must mandate appropriate private sector preparedness, including sharing of CI information and engagement in joint planning with emergency management organizations"* (p. 28).

Private sector and non-governmental emergency management responsibilities is an emergent topic in other provincial jurisdictions. For example, in 2013, Manitoba introduced changes to its *Emergency Measures Act* to require private sector critical service

providers to prepare business continuity plans, as well as authority for the minister responsible to order these providers to take required measures during a state of emergency, including the implementation of any part of a business continuity plan.

### Challenge in the current legislative framework:

In BC, the *Emergency Program Act* provides some specific powers during a state of emergency to local authorities and government in relation to the restoration of essential facilities and the distribution of essential supplies.

However, the Act does not set out responsibilities of private sector and non-government organizations respecting planning for and the prevention/mitigation of emergencies, nor any requirements for owners of critical infrastructure assets to provide information about their assets or their emergency plans regarding those assets.

### Relevant sections in the legislation:

- ▶ Sections 5, 10 and 13 of the *Emergency Program Act*

### Proposal:

1. Consider changes to the *Emergency Program Act* similar to Manitoba's to define "critical services" and require providers of these services to undertake business continuity planning as prescribed by regulation.
  - Manitoba's Act requires that critical service providers submit business continuity plans to the co-ordinator of the province's Emergency Measures Organization for review and approval.

2. Consider an authority to require owners of critical infrastructure assets to provide information about these assets as prescribed by regulation for the purposes of supporting efficient and effective emergency planning, prevention/mitigation, response and recovery.
  - Any change to the legislation in this regard would need to be supported by a definition of "critical infrastructure assets"; outline how such information would be provided; and provide for the confidentiality of the information.
  - Henry Renteria referred to "critical infrastructure" as "those physical and information technology facilities, networks, services and assets, which, if disrupted or destroyed, would have a serious impact on the health, safety, security, or economic well-being of Canadians or the effective functioning of governments in Canada" (p. 26).

### Additional information for consideration:

- ▶ Henry Renteria's 2014 report on B.C. Earthquake Preparedness:  
[http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/renteria\\_eq\\_consultation\\_report\\_2014.pdf](http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/renteria_eq_consultation_report_2014.pdf)
- ▶ Manitoba's *Emergency Measures Act*:  
<http://web2.gov.mb.ca/laws/statutes/ccsm/eo8oe.php>

## Discussion Area C: Supporting emergency response and recovery

### Discussion 8: Shared responsibility for emergency response

#### Background:

The *Emergency Program Act* provides that local authorities and the provincial government are to prepare emergency plans and implement them when “an emergency exists or appears imminent or a disaster has occurred or threatens.”

Section 7 of the Act provides that the Minister or designated person in a provincial emergency plan may cause the plan to be implemented if, in the opinion of the Minister or the designated person, an emergency exists or appears imminent. Section 8 provides that a local authority or a person designated in the local authority’s local emergency plan may cause the plan to be implemented if, in the opinion of the local authority or the designated person, an emergency exists or appears to exist.

The *Emergency Program Management Regulation* sets out that provincial emergency plans may include plans and procedures to assist local authorities with response and recovery from emergencies that “are of such magnitude that the local authorities are incapable of effectively responding to and recovering from them.”

#### Challenge in the current legislative framework:

A key aspect of emergency management is the sharing of responsibilities between local authorities and the province. In general, provincial government policy is that a local authority is responsible for planning for and responding to any emergency in its jurisdictional area with local resources and resources available to them through mutual aid/assistance agreements. This approach acknowledges that a

local authority’s knowledge about its community—its people, history, risks, vulnerabilities, operational requirements and services—is critical to planning for, responding to and recovering from emergencies.

The province provides advice and support to the local authority responding to an emergency. Where the scope of an emergency exceeds a local authority’s resources, the province coordinates the provision of provincial resources to assist the local authority. In some cases, the provincial government has statutory obligations with respect to emergencies. For example, when it comes to wildfires under the *Wildfire Act* that do not affect developed areas, the provincial government responds, not local authorities.

While this ‘shared responsibility’ framework to emergency response is generally understood and accepted by stakeholders, it is not reflected in the Act. One consequence of this, in combination with the current scheme in the legislative framework for assigning provincial emergency responsibilities, is that from time to time confusion may result as to whether a local authority or the province should be implementing emergency plans in certain circumstances. Such confusion can undermine the coordinated and collaborative approaches essential for effective emergency management.

#### Relevant sections in the legislation:

- ▶ Sections 7 and 8 of the *Emergency Program Act*
- ▶ Section 3 of the *Emergency Program Management Regulation*



**Proposal:**

- 1.** Consider the addition of provisions in the Act that set out the following in respect of local authorities:
  - Establish that a local authority is responsible for:
    - Assessing the threat to health, safety, or welfare of people or damage to property and the environment posed by an emergency;
    - Assessing the resources required to respond to and recover from the emergency; and
    - Implementing its local emergency plan and using local authority resources to respond to and recover from the emergency.
  - Provide that a local authority may implement one or more provisions of its local emergency plan in relation to responding to and recovering from an emergency if:
    - If the local authority is of the opinion that an emergency exists or is imminent in the local authority's jurisdictional area; the local authority has declared a state of emergency; or a provincial state of emergency has been declared.
- 2.** Consider the addition of provisions in the Act that set out the following in respect of the provincial government:
  - A Minister (or designate) is responsible for implementing one or more provisions of the Minister's provincial emergency plan to provide provincial assistance and support to a local authority's response to and recovery from an emergency if the following occur:
    - The scale of the emergency exceeds the response and recovery resources of the local authority and/or
    - The Minister is required under provincial law to provide provincial resources for emergency response and recovery.
  - Emergency Management BC is responsible for:
    - Communicating with a local authority in relation to an emergency within the jurisdictional area of the local authority, which includes:
      - Monitoring the needs of a local authority in responding to and recovering from emergencies;
      - Providing advice when necessary to local authorities responding to and recovering from emergencies; and
      - Communicating and providing advice when necessary to a Minister in relation to an emergency in the jurisdictional area of a local authority.



## Discussion 9: State of emergency

### Background:

The *Emergency Program Act* authorizes both local authorities and the province to declare a state of emergency. Once a state of emergency is declared, the level of government making the declaration may do “all acts and implement all procedures” that it considers necessary to prevent, respond to or alleviate the effects of an emergency or disaster, including one or more of the following:

- ▶ Acquire or use any land or personal property considered necessary;
- ▶ Authorize or require any person to render assistance of type the person is qualified to provide or that otherwise is or may be required;
- ▶ Authorize the entry into any building or on any land, without warrant;
- ▶ Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered necessary; and
- ▶ Procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies, or other essential supplies.

### Challenge in the current legislative framework:

The authority for a local government or the province to undertake “all acts and implement all procedures” it considers necessary to address an emergency or disaster is a very broad and sweeping power. While legislation in most other Canadian jurisdictions provides a similar approach to the declaration of emergencies and the exercise of emergency powers as BC’s Act, Ontario’s Emergency Management and Civil Protection Act notably establishes criteria to guide when a state of emergency should be

declared, as well as criteria for the making of orders during declared emergencies.

The emergency powers in the *Emergency Program Act* are generally consistent with those powers provided in similar legislation in other Canadian jurisdictions; however, some jurisdictions have recently included additional powers. Ontario’s legislation provides authority to require a person to collect, use or disclose information and this authority is contingent on the information collected only being used for the purpose of preventing, responding to or alleviating the effects of an emergency. Other BC legislation aimed at addressing specific emergency situations, such as the Public Health Act, also contains a similar general emergency power to collect, use and disclose information.

### Relevant sections in the legislation:

- ▶ Sections 9 to 15 of the *Emergency Program Act*

### Proposal:

1. Consider the addition of criteria or a test to guide local authorities or the provincial government in the declaration of a state of emergency and the making of orders during a declared emergency.
  - For example, criteria could include that a head of a local authority or the Minister responsible for the Act must believe that the declaration of a state of emergency is required because the use of one or more emergency powers under the Act is necessary and essential to protect the health, safety or welfare of persons or to limit damage to property.

2. Consider the addition of emergency powers not currently provided under section 10 of the *Emergency Program Act*. Some additional emergency powers that should be considered are as follows:
- Authority to collect, use or disclose information during a state of emergency that could not otherwise be collected, used or disclosed under any enactment.
    - Consideration must be given to including limits on any additional power respecting the collection, use and disclosure of information during an emergency. For example, in Ontario the information must only be collected, used or disclosed for the purpose of preventing, responding to or alleviating the effects of an emergency and for no other purpose.
  - Authority to fast track the accreditation of medical or other essential personnel from other Canadian jurisdictions who may arrive to provide assistance during a state of emergency.
  - A further potential emergency power to be considered is the authority for a local authority or the province to vary a licence, permit or other authorization the local authority or province, as applicable, has issued under an enactment.

**Additional information for consideration:**

- ▶ Ontario's *Emergency Management and Civil Protection Act*: <http://www.ontario.ca/laws/statute/90e09>
- ▶ BC's *Public Health Act*: [http://www.bclaws.ca/civix/document/id/complete/statreg/08028\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/08028_01)

**Discussion 10:  
Evacuation orders****Background:**

The current Act provides authority for local authorities or the government to declare a state of emergency. A 'state of emergency', once declared, authorizes the local or authority or the Minister to undertake acts and procedures to prevent, respond to or alleviate the effects of an emergency or a disaster, which includes ordering the evacuation of persons from an area that may be affected by the emergency or disaster.

**Challenge in the current legislative framework:**

While the Act provides authority for local governments or the Minister to make an evacuation order and "cause the evacuation" of people from an affected area, it says little of anything about how such an order is to be understood and carried out to ensure people are out of harm's way. There is currently no authority under the Act or in other legislation to compel competent adults to leave their private property after an evacuation order is made—emergency responders warn people of the imminent risks of remaining in an area subject to evacuation, but ultimately rely on people to voluntarily evacuate.

While leaving one's property in a very short period of time leading up to or following an emergency or disaster is extremely difficult to do, it is important to understand that an individual's decision not to heed an evacuation order can have serious implications not only for themselves, but also other people in the affected area. There have been numerous instances in Canadian jurisdictions and elsewhere where persons who refuse to evacuate require subsequent rescue, creating additional and unnecessary risk to themselves and emergency response personnel,

who are extremely burdened in times of crisis providing round-the-clock assistance to ensure the safety of the public.

The issue of enforcing evacuation orders has emerged as a recent topic of discussion in numerous Canadian jurisdictions. Manitoba became the first jurisdiction in Canada to address the issue in legislation, with amendments to its *Emergency Measures Act* in 2013. The changes provide authority to the police to apprehend any person who refuses to comply with an evacuation order issued under a declared state of emergency for the purpose of taking the person to a place of safety, as well as an ability to recover the costs of relocating the person.

As evacuation orders are rare and, when they do occur, are followed by the vast majority of people in an affected area, changes such as those introduced in Manitoba are intended to provide further support to voluntary evacuations by encouraging people to recognize the serious and grave nature of an evacuation order and to voluntarily comply with directions to leave their property without delay.

#### Relevant sections in the legislation:

- ▶ Sections 9, 10, 12 and 13 of the *Emergency Program Act*

#### Proposal:

1. Consider adding authority for police to apprehend any person who refuses to comply with an evacuation order issued under a declared state of emergency for the purpose of taking the person to a place of safety similar to sections 18.1 to 18.3 of the Manitoba *Emergency Measures Act*.
  - As part of this proposal, also consider the following supporting provisions:
    - Providing police with a right of entry and use of reasonable force to enforce an evacuation order;
    - Limiting the period of apprehension to be no longer than reasonably required to take a person to a place of safety; and
    - Authority for the province (in a state of provincial emergency) or a local authority (in a state of local emergency) to order a person who was apprehended to pay the costs incurred by police in taking the action to enforce the evacuation order.

#### Additional information for consideration:

- ▶ Manitoba's *Emergency Measures Act*:  
<https://web2.gov.mb.ca/laws/statutes/ccsm/eo8oe.php>

## Discussion 11: Employment protection

### Background:

The *Emergency Program Act* provides authority in a state of emergency for a local authority or the provincial government to require a person to provide emergency assistance that the person is qualified to provide or may be required in order to prevent, respond to or alleviate the effects of an emergency or disaster.

The Act also provides (under section 25) that where a person is ordered to provide assistance under a state of emergency, that person's employment may not be terminated because of their being required to provide assistance.

### Challenge in the current legislative framework:

A person who is ordered to provide assistance under a state of emergency is providing a civic service similar to jury duty; however, the Act currently does not provide a similar level of employment protection.

The scope of protection under s. 25 of the Act also appears to be specifically limited to a person who has been the subject of an order requiring the person to provide assistance in a declared state of emergency and, as such, does not appear to apply to a person who acts voluntarily (i.e. not under an order) or who acts in an emergency for which no state of emergency or local emergency has been declared.

### Relevant sections in the legislation:

- ▶ Section 10(1)(e) and section 25 of the *Emergency Program Act*

### Proposal:

1. Consider whether employment protection should be limited only to the duration of a state of emergency or whether the protection should extend to cover, for example, travel to and from the emergency or a time period after an emergency if the person is still required to provide assistance.
  - A further consideration here could include situations where a person is recovering from illness or injury as a result of providing assistance during an emergency.
  - Consideration should also be given to whether volunteers or other persons who assist in responding to and recovering from an emergency or disaster are entitled to employment protection in circumstances where they have not been ordered to provide assistance.
2. Consider expanding the protection against loss of employment in section 25 of the Act to include the same protections as those provided for a person on jury duty under section 56 of the *Employment Standards Act*.
  - This would add protection for employment benefits and benefits based on seniority, as well as provide that a person who is providing assistance is deemed to be on leave and must not be terminated as a result of being required to provide assistance or because the person is absent or unable to perform employment duties while on deemed leave.

### Additional information for consideration:

- ▶ BC's *Employment Standards Act*:  
[http://www.bclaws.ca/civix/document/id/complete/statreg/96113\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96113_01)

## Conclusion

In order to solidify and maintain cooperative and effective approaches to emergency management in British Columbia, partners across the emergency management spectrum in British Columbia and the citizens of this province must engage in thoughtful and meaningful discussions so that we are ready when challenged by known and emergent threats to public safety. This consultation and engagement is but one of many steps we are taking together to ensure we are prepared and resilient.

Submissions may be made on the contents herein on or before Feb. 19, 2016. At the closing of the consultation period, all submissions will be reviewed and analyzed for themes and suggestions that can be compiled and presented by Minister Yamamoto to the Cabinet Committee on Secure Tomorrow on or before March 31, 2016, in accordance with the Minister's mandate letter.

Thank you to all who took time to consider this document's contents and submit feedback.





**The City of North Vancouver**  
OFFICE OF MAYOR DARRELL MUSSATTO



January 19, 2016

Honourable Rich Coleman, Deputy Premier  
Minister of Natural Gas Development  
Minister Responsible for Housing  
P.O. Box 9486, Stn. Prov. Govt.  
Victoria, BC V8W 9W6

Dear Minister Coleman:

**RE: B.C. Building Act Implementation**

Further to North Vancouver City Council's resolution on January 18, 2016 (attached), I am writing to provide feedback and recommendations regarding the Building Act under implementation. The City of North Vancouver appreciates and supports in principle the three pillars of the new Building Act: consistency, competency and innovation. We wish to offer feedback and recommendations to assist the Province in rolling out the Act in such a way that unintended consequences are avoided.

**1. Innovative technologies and innovative urban form**

The City of North Vancouver has built a strong reputation working cooperatively with the development and construction industry to ensure flexibility and efficient service, while meeting consistently high standards and sustainability targets. The City has repeatedly won the "Most Business Friendly" Award for Municipal Excellence from NAIOP (the Commercial Real Estate Development Association) and Business in Vancouver, including the most recent award years 2015 and 2014. Part of the City's success in this regard is the City's Inspections staff's willingness to use the Alternative Solutions pathway to meet the requirements of the BC Building Code while protecting the City's high Code compliance standards. The City's record in achieving good flexibility and customer service may be difficult to continue, as the capabilities of the Alternative Solutions pathway are at risk of being limited in future as a result of the new Building Act. It may therefore be more difficult for City staff and Council to respond to innovative technologies or innovative urban forms being promoted locally by the development community. We are hopeful that the Alternative Solutions pathway will not be unduly limited by ministerial regulations and that the alternate Provincial innovation review processes will be cost-effective and time-efficient.

**2. Incenting energy efficient buildings**

The City has been a leader in climate mitigation in Canada. Action is required to reduce building emissions if we are to achieve our Provincially-mandated greenhouse gas (GHG) emissions reduction targets and help minimize the effects of climate change. The City's Zoning Bylaw currently provides a density bonus in return for achieving a higher energy standard (i.e., lower GHG emissions). This practice has been recognized by NAIOP, the Union of BC Municipalities and the BC Community Energy Association. Under the BC Building Act, the City's current bylaws that provide for enhanced energy efficiency in buildings will become invalid. To date the Province has not been willing to confirm the City's ability to continue to use the density bonusing tool, as set out in s. 904 of the Local Government Act, for enhanced energy efficiency. The City respectfully requests further clarification with regard to these LGA provisions.

### 3. Policy impacts

It appears that a number of City policies could significantly be affected by the Building Act, including but not limited to the City's Adaptable Design Policy, the Enhanced Building Security Bylaw, City urban design guidelines (e.g., our ability to accommodate grade changes related to flood prevention), Solid Waste/Recycling Guidelines, and Active Design Guidelines. As these requirements are "building-related" (which is not defined in the Act) and in bylaw form, they are at risk of being rendered invalid on December 15, 2017. Due to a shortfall of detail and communication from the Province, there is very little to assist local governments with the bylaw review that the Province is encouraging. Changing municipal bylaws, and particularly zoning bylaws, is a lengthy process with significant statutory consultation responsibilities including public hearings and media notifications. To have to potentially change bylaws twice because we do not have all the details yet would be extremely challenging. We request further detail on a clear communications path on "what happens when" with regard to implementation so that our City can chart a path forward.

### 4. Additional requests

There are a number of other City initiatives that will potentially be impacted by the Act, but we and other BC municipalities currently lack specifics on how the provisions of the Act will be applied. Additional details are needed in order for municipalities to be able to conduct bylaw reviews. In particular:

- a) The Province is creating a guide for local governments on the Building Act. However, the sections of the guide that explain how local governments will be affected by the Act and how they can apply for a variation to the requirements of the Act is still in development. The guide is not anticipated to be available until spring 2016. We request that the guide be made available sooner, or that the two-year window to change all bylaws before they become invalid be extended.
- b) It is our understanding that opt-in Provincial regulations for enhanced energy performance and enhanced sprinklering are in development but have not yet been finalized. We request that the regulations and the municipal tools be finalized now, or that the two-year window to change all bylaws before they become invalid be extended.
- c) There is a need for a clear and transparent commitment by the Province to review and update certain elements of the Building Code on a continual learning basis, or at least on a three-year cycle (e.g., energy efficiency requirements). Emerging safety concerns, technological innovation and new opportunities should also trigger general Code reviews and consideration of variances, without the cost of these reviews falling on the shoulders of local governments.



Honourable Rich Coleman  
January 19, 2016

The City of North Vancouver looks forward to working with you in the best interests of the community and industry. Our objective is to have the best possible results for business, public and industry stakeholders, and we hope to be able to continue to show leadership in working cooperatively with the development community.

Yours sincerely,



Darrell Mussatto  
Mayor

Encl.

cc: Honourable Naomi Yamamoto, MLA, North Vancouver – Lonsdale  
Chair Al Richmond, President, Union of BC Municipalities  
Greg Moore, Chair, Metro Vancouver Board of Directors  
Anne McMullin, President & CEO, Urban Development Institute – Pacific Region  
Bob De Wit, CEO, Greater Vancouver Homebuilders Association

**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14<sup>th</sup> STREET, NORTH VANCOUVER, BC, ON MONDAY, JANUARY 18, 2016.**

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**12. Effects of Bill 3, *Building Act*, on City Bylaws and Development Processes  
– File: 08-3010-01-0001/2016**

Report: Deputy Director, Community Development, January 12, 2016

Moved by Councillor Keating, seconded by Councillor Buchanan

**PURSUANT** to the report of the Deputy Director, Community Development, dated January 12, 2016, entitled “Effects of Bill 3, *Building Act*, on City Bylaws and Development Processes”:

**THAT** a letter from the Mayor, substantially in the form presented as Attachment #2 of said report, be sent to the Minister of Natural Gas Development and Minister Responsible for Housing, with copies to local MLA, Naomi Yamamoto, Urban Development Institute, Greater Vancouver Homebuilders Association, member municipalities of UBCM and Metro Vancouver.

**CARRIED UNANIMOUSLY**



Ref: 111023

JAN 08 2016

Andrew Yeates  
PO Box 999  
Ucluelet, BC V0R 3A0

Dear Andrew Yeates:

I appreciated the opportunity to meet with you and hear about projects underway in Resort Municipalities Initiative (RMI) communities at the Resort Communities Collaborative (RCC) reception at the Union of British Columbia Municipalities Annual Convention.

I want to provide some additional information on “Accessibility 2024,” British Columbia’s (BC) 10-year action plan for helping to improve accessibility for people with disabilities. Our goal is to make BC the most progressive province in Canada by 2024 for people with disabilities.

As resort municipalities investing in infrastructure and welcoming tourists from around the world, you have a key role in supporting this goal by ensuring that your RMI investments include accessible components wherever possible. Accessible visitor centres, multi-use park/trail projects and visitor experiences that are suitable for tourists with disabilities are examples of ways to support these goals. I also encourage you to work with local accommodators and other tourism stakeholders in considering the accessibility needs of their customers.

The Ministry of Transportation and Infrastructure’s “BC on the Move” is a 10-year plan for improving the provincial transportation network. Several areas of the plan align and/or complement the tourism objectives of resort municipalities and RMI funding. Specifically, the plan includes investments and strategies to support cycling infrastructure, airport development, rest stop enhancements, as well as highway improvements. Please review the plan to see where there are opportunities to support your RMI spending and maximize the impact of these investments.

.../2



As described in "Gaining the Edge 2015- 2018," government is committed to aligning tourism investments to ensure maximum impacts in a globally competitive environment. To that end, your resort municipality should seek opportunities to align RMI investments with other tourism-related investments wherever possible. Municipal and Regional District Tax (MRDT) business plans should complement and build on your recently revised Resort Development Strategies and your marketing efforts should leverage Destination British Columbia's (DBC) provincial marketing strategy.

DBC has several programs and supports that may help you achieve even greater tourism success and augment the outcomes of your RMI and MRDT investments. DBC is also leading a modernized approach to visitor services to ensure travellers are able to access information when and where they need it, with easy and dynamic in person and online access. I encourage you to explore this new approach and think innovatively about meeting your visitors' unique information needs, alongside the traditional visitor centre model.

I am pleased to hear about the RCC's plans to better define and demonstrate outcomes of RMI investments in the 14 participating communities. I commend you on this work and look forward to seeing the results. Between now and 2017, I encourage you to think creatively about RMI activities, both locally and provincially, to ensure our investments are working in tandem to increase visitor numbers and tourist spending in the province, and enhance our long-term competitiveness and sustainability. I look forward to hearing how you are aligning infrastructure investments with other tourism spending and capitalizing on opportunities for resort municipalities to demonstrate leadership in accessibility, tourism development and job creation that the rest of the province may benefit from.

Please continue to work directly with Ms. Amy Schneider, Director of Policy and Investment Alignment ([Amy.Schneider@gov.bc.ca](mailto:Amy.Schneider@gov.bc.ca)) on the RMI program. Ms. Schneider can also assist in connecting you with DBC and the Ministry of Transportation and Infrastructure.

Sincerely,



Shirley Bond  
Minister

pc: Mayor Dianne St. Jacques of Ucluelet, BC

Ms. Amy Schneider

**NOTE FROM STAFF:**

Per Council Resolution 2016-025, additional information on the following programs were forwarded to Council for their information on January 15, 2016: "BC On The Move", "Gaining The Edge", Destination BC funding opportunities, and RMI spending guidelines.

## District of Ucluelet Expenditure Voucher

**G-02/16**

**Date: January 20, 2016**

**Page: 1 of 4**

**CHEQUE LISTING:**

**AMOUNT**

Cheques: # 23547 - # 23623	\$	212,444.66
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**PAYROLL:**

PR 001/16	\$	59,072.42
PR 002/16		57,210.28

	<b>\$</b>	<b><u>328,727.36</u></b>
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**RECEIVED FOR INFORMATION AT MEETING HELD:      January 26, 2016**

*Jeanette O'Connor, CFO*

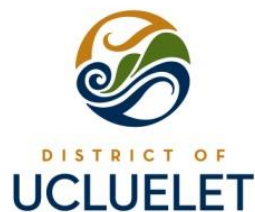
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023547	002	08/01/2016	ACE07	ALBERNI COMMUNICAT	20628	PAGERS	2,414.72		2,414.72	
023548	002	08/01/2016	ACE92	ACE COURIER SERVIC	14162403	LB WOODCHOPPERS	57.55		57.55	
023549	002	08/01/2016	AD004	TYCO INTEGRATED FI	80418072 80418049	JAN-MAR/16 BAY ST. JAN-MAR/16 FH/LYCH	258.31 248.33		506.64	
023550	002	08/01/2016	AL001	ACKLANDS - GRAINGE	0538461 0540224	HOIST&FLOOR MOUNT AIRPACK MAINTENANC	7,418.88 267.96		7,686.84	
023551	002	08/01/2016	BC017	BC HYDRO & POWER A	NOV/15	NOV/15	20,011.34		20,011.34	
023552	002	08/01/2016	CC508	TEMPLE CONSULTING	16409 16378	JAN-DEC/16 EXTENDE JAN-DEC/16 SERVICE	2,598.40 9,092.16		11,690.56	
023553	002	08/01/2016	CF005	COLUMBIA FUELS	127238	#12 GREASE	140.00		140.00	
023554	002	08/01/2016	CK608	KASSLYN CONTRACTIN	D503	D503	1,846.58		1,846.58	
023555	002	08/01/2016	CUPE1	CUPE LOCAL #118	012/15	PP25&26/15	1,221.75		1,221.75	
023556	002	08/01/2016	DC001	DOLAN'S CONCRETE L	UP77236 UP77235	SAND DRAIN ROCK-EBER RD	276.97 123.86		400.83	
023557	002	08/01/2016	DFC01	DUMAS FREIGHT COMP	39373 30154 30158 40154	LB WOODCHOPPERS FOURSTAR FOURSTAR LB WOODCHOPPERS	25.38 35.79 106.60 26.75		194.52	
023558	002	08/01/2016	EL048	ERIK LARSEN DIESEL	713377	SCH RAMP REPAIR	429.31		429.31	
023559	002	08/01/2016	FS004	FOUR STAR WATERWOR	46799	VALVES/CALCIUM HYP	557.27		557.27	
023560	002	08/01/2016	FW050	FAR WEST DISTRIBUT	296864 291226	G.BAGS/SOAP/SCRUBB VINEGAR	191.82 45.65		237.47	
023561	002	08/01/2016	GB059	GIBSON BROS. CONTR	14515 14522 14514	HEMLOCK LF.ST. REP HEMLOCK LF.ST. REP PEN.RD. WATER BREA	716.63 3,698.44 1,265.88		5,680.95	
023562	002	08/01/2016	GFO11	GFOA OF BC	3173	2016 MMBRSHP	183.75		183.75	
023563	002	08/01/2016	HI715	HETHERINGTON INDUS	55152	OIL PAD REMOVAL	157.50		157.50	
023564	002	08/01/2016	ICT01	ICOMPASS TECHNOLOG	16055	LGMA MANUALS	1,113.00		1,113.00	
023565	002	08/01/2016	JR381	J. ROBBINS CONSTRU	116 115 114 2576	MULCH-CEMETERY MULCH-CEMETERY MULCH-KIMOTO LF.ST WATER METER CHAMBE	201.33 201.33 252.26 6,777.18		7,432.10	
023566	002	08/01/2016	MA952	MAXXAM ANALYTICS	VA940708 VA940751 VA940753 VA943932 VA940709	B5A7592 B5A9759 B5A9764 B5B1668 B5A7602	78.75 78.75 412.13 78.75 547.05		1,195.43	
023567	002	08/01/2016	MC090	MARSHALL, DR. C	1399	UVFB EXAM	50.00		50.00	
023568	002	08/01/2016	MI224	MUNICIPAL INSURANC	27363 27451	CLAIM SCHANTZ	1,510.28 250.00		1,760.28	
023569	002	08/01/2016	MMB55	MURDY & McALLISTER	21593	4438	956.18		956.18	
023570	002	08/01/2016	PB104	PIONEER BOAT WORKS	72924 72937	RAIN GEAR RAIN GEAR	88.48 251.45		339.93	
023571	002	08/01/2016	PI110	PUROLATOR INC	429684670 429795821 429607727	MAXXAM/ZONE WEST MAXXAM/CARFRA MAXXAM/ANASTOS/MAW	212.76 123.44 94.29		430.49	
023572	002	08/01/2016	PW280	PITNEYWORKS	DEC/15	POSTAGE	1,065.00		1,065.00	

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023573	002	08/01/2016	RR817	ROTO-ROOTER	118735	PEN RD.	750.75		750.75	
023574	002	08/01/2016	SC003	SHARE CANADA	05438	NATRAKLENE	1,827.00		1,827.00	
023575	002	08/01/2016	SC006	SOFTCHOICE CORPORA	4153899	TOUGHPAD DOCKING S	379.72		379.72	
023576	002	08/01/2016	SJ004	S & J SERVICES	530813 530812 530814 530811 530810	DEC/15 UAC DEC/15 P/W DEC/15 AQUA DEC/15 FH DEC/15 LYCHE	315.00 315.00 651.00 138.60 1,386.00		2,805.60	
023577	002	08/01/2016	TE541	TECH ELECTRICAL CO	1434A	WELLFIELD REPAIR	1,508.05		1,508.05	
023578	002	08/01/2016	TPC01	TAYCO PAVING COMPA	26443	COLD MIX	3,349.26		3,349.26	
023579	002	08/01/2016	TSC19	TRANSPARENT SOLUTI	8192	FEB/16	20.95		20.95	
023580	002	08/01/2016	UR849	UCLUELET RENT-IT C	22177 22178	HARNESS RENTAL PEN RD BCK-UP	16.13 2,099.33		2,115.46	
023581	002	08/01/2016	WC345	WURTH CANADA LTD	22160436	LACQUER/CLEANER/TA	132.60		132.60	
023582	002	08/01/2016	WP166	WINDSOR PLYWOOD -	72208A 72341A 72344A 72342A 72188A 72655A	LAG SHIELD DOOR KNOB/FITTINGS ADAPTER COUPLER LAG BOLTS/WASHERS CLAMP/VALVE	19.16 109.60 3.52 6.71 45.02 28.76		205.73	
023583	002	08/01/2016	XC300	XPLORNET COMMUNICA	INV11942562	JAN/16	72.79		72.79	
023584	002	08/01/2016	BJ685	BIRD JULIE	121510 121509	REDEEM 114804 REDEEM 115188	16,644.29 9,866.32		26,510.61	
023585	002	18/01/2016	AD004	TYCO INTEGRATED FI	80418050	JAN-MAR/16 UCC-TYC	146.59		146.59	
023586	002	18/01/2016	AL001	ACKLANDS - GRAINGE	0539866	PARKING CURBS	471.97		471.97	
023587	002	18/01/2016	BC017	BC HYDRO & POWER A	DEC/15	DEC/15	19,221.31		19,221.31	
023588	002	18/01/2016	BE386	BRAKER ELECTRIC LT	684	UCC SUPPRESSION SYS	7,627.20		7,627.20	
023589	002	18/01/2016	BP940	BLACK PRESS	32731390	NOV/15	740.17		740.17	
023590	002	18/01/2016	CE004	CORPORATE EXPRESS	40359644	FILE FOLDERS/PAPER	574.77		574.77	
023591	002	18/01/2016	CI192	CIBC - VISA CENTRE	DEC/15	DEC/15	1,402.50		1,402.50	
023592	002	18/01/2016	CK608	KASSLYN CONTRACTIN	D504	D504	1,617.72		1,617.72	
023593	002	18/01/2016	DC001	DOLAN'S CONCRETE L	UP37840	REC HALL GRAVEL	209.34		209.34	
023594	002	18/01/2016	DFC01	DUMAS FREIGHT COMP	38296 38334 30156 39681	CLEARTECH CLEARTECH FOURSTAR LB WOODCHOPPERS	183.75 427.43 50.48 25.38		687.04	
023595	002	18/01/2016	EDNS3	easyDNS TECHNOLOGI	121306	DNS HOSTING	36.75		36.75	
023596	002	18/01/2016	EP910	EVAN PETERSON	7A	AGE FRIENDLY ACTIO	157.50		157.50	
023597	002	18/01/2016	FSC10	FOUR STAR COMMUNIC	35430	DEC/15	136.50		136.50	
023598	002	18/01/2016	GE021	GROESS ENVIRONMENT	684	PEN.RD. SEWER BACK	1,286.25		1,286.25	
023599	002	18/01/2016	GE395	GALLOWAY ELECTRIC	594 593 591 592	MARINE DR. SEWER P MARINE DR. LIGHTS VFD LSCA HEMLOCK LF ST.	204.75 487.10 945.87 690.11		2,327.83	
023600	002	18/01/2016	GW178	GRAY WHALE DELICAT	142802	COUNCIL MEETING	325.50		325.50	

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023601	002	18/01/2016	IH042	INNER HARMONY SERV	3852	DEC/15	2,443.88		2,443.88	
023602	002	18/01/2016	II200	IGLOO INC	1700	MT LICENSE	1,746.36		1,746.36	
023603	002	18/01/2016	KA001	KOERS & ASSOCIATES	1581-001	WATER MASTER PLAN	9,255.49		9,255.49	
023604	002	18/01/2016	LEASE	UCLUELET CONSUMERS	01/16	JAN/16	250.00		250.00	
023605	002	18/01/2016	LY001	YOUNG ANDERSON	91366 91367 91368 91369 91370	1190080 1190123 1190127 1190128 1190130	339.38 41.97 595.67 811.45 2,038.19		3,826.66	
023606	002	18/01/2016	MA952	MAXXAM ANALYTICS	VA945483	B601284	126.00		126.00	
023607	002	18/01/2016	MS170	REVENUE SERVICES O	01/16	JAN/16	3,235.00		3,235.00	
023608	002	18/01/2016	PB002	PACIFIC BLUE CROSS	323291	JAN/16	7,728.28		7,728.28	
023609	002	18/01/2016	PI110	PUROLATOR INC	429867883	MAXXAM	60.26		60.26	
023610	002	18/01/2016	RPI46	ROADPOST INC. T462	RC08118056	JAN/16	71.40		71.40	
023611	002	18/01/2016	SBR01	SONBIRD REFUSE & R	24067	NOV/15 UCC	218.82		218.82	
023612	002	18/01/2016	SC006	SOFTCHOICE CORPORA	416..02	TOUGHPAD	3,255.99		3,255.99	
023613	002	18/01/2016	SP010	SUPERIOR PROPANE	9057136 9473485 9473806	REC HALL UAC HALL UCC	158.97 744.30 745.25		1,648.52	
023614	002	18/01/2016	SS419	SOLIDARITY SNACKS	407	FINANCIAL PLAN	48.00		48.00	
023615	002	18/01/2016	TM005	TELUS MOBILITY	DEC/15	DEC/15	114.24		114.24	
023616	002	18/01/2016	TNS05	TOFINO NATURE SCHO	DEC/15	NOV-DEC/15 AFTR SC	317.90		317.90	
023617	002	18/01/2016	TP002	TELUS	DEC/15	DEC/15	3,420.13		3,420.13	
023618	002	18/01/2016	TU428	TOURISM UCLUELET	OCT/15	OCT/15 GRANT	22,179.70		22,179.70	
023619	002	18/01/2016	U0148	UNION OF BC MUNICI	UBCM-585	UBCM WALL CALENDAR	90.53		90.53	
023620	002	18/01/2016	UI923	UKEE INFO TECH	10261	COMPUTERS	2,328.03		2,328.03	
023621	002	18/01/2016	UR849	UCLUELET RENT-IT C	22353 22031 22321	HARNESS RENTAL OCT/15 RENTAL DEC/15 RENTAL	32.26 1,176.00 1,176.00		2,384.26	
023622	002	18/01/2016	UV145	UCLUELET VIDEO SER	JAN/16	JAN/16-491	557.76		557.76	
023623	002	18/01/2016	WM275	WHITE MAGNOLIA RES	11 14	NOV/15 POOL RENTAL DEC/15 POOL RENTAL	2,047.50 682.50		2,730.00	
Total:							212,444.66	0.00	212,444.66	

\*\*\* End of Report \*\*\*





## STAFF REPORT TO COUNCIL

Council Meeting: JAN 26<sup>TH</sup>, 2016  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOHN TOWGOOD, PLANNER 1

**FOLIO NO:** 061.105 AND 061.016

**SUBJECT:** SOLID FUEL WOOD STOVES AND THE POSSIBLE EFFECTS TO NEIGHBORING PROPERTIES

**ATTACHMENT(S):** LETTER FROM 221 BOARDWALK BOULEVARD

### RECOMMENDATION(S):

1. **THAT** Council receive this report for information.

### PURPOSE:

To consider a letter, photos and a request to create a clean air bylaw from the residents of 221 Boardwalk Boulevard.

### BACKGROUND

Staff are in receipt of a letter, photos and a request to create a clean air bylaw from the residents of 221 Boardwalk Boulevard (Appendix A). The residents of 221 Boardwalk Boulevard have described that a tremendous amount of wood smoke is coming from the chimney of a newly constructed resort condo at 225 Boardwalk Boulevard (Figure 1, 2 &3). They describe how the smoke is negatively affecting their health and that their daughter suffers from a preexisting respiratory condition that is being exacerbated by the neighbors chimney smoke.



Figure 1



Figure 2



Figure 3

### **BUILDING CODE REQUIREMENTS**

Wood stoves are generally inspected for insurance purposes by a Wood Energy Technology Transfer (WETT) certified inspector as wood stoves do not fall under the BC Building Code (BCBC). The WETT inspection is the responsibility of the owner to complete. The owner of 225 Boardwalk has completed and passed this inspection. What does fall under the BCBC is the chimney location. The chimney location is to be 2' higher than anything within 10' horizontal with a minimum height of 3' above the roof (Figure 2 and 3). The wood stove and chimney at 225 Boardwalk, within the scope of the District of Ucluelet's building inspector, has been installed correctly and approved.

### **A CLEAN AIR BYLAW**

There are no current District of Ucluelet bylaws that would restrict the use of wood stoves. Clean air bylaws that deal with wood smoke generally exist in larger communities with air quality issues. Some communities have gone so far as to ban the use of solid fuel wood heating. From a bylaw enforcement view point the regulation of wood smoke could be difficult to enforce because of the lack of clear measurables and the use of subjective terminology such as "likely to cause". The

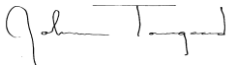
following is a clause from the Duncan bylaw that would be difficult to enforce in Ucluelet as a whole:

*5.2 No person shall operate a Wood Burning Appliance or Pellet Stove Appliance in such a manner as to discharge air contaminants that are likely to cause or significantly contribute to the cause of injury or damage to human health, plant or animal life, or property; or that are likely to affect the quality of life of nearby residents.*

**SUMMARY:**

Staff have met with the residents of 221 Boardwalk Boulevard multiple times and consider their situation a real and concerning hardship. Staff have suggested different approaches to try to mitigate the situation such as to close the windows on that side and add a heat recovery ventilation system to provide fresh air from to the opposite side of the building. These systems create positive pressure within the building while supplying fresh dry air. The creation of a Clear Air Bylaw would put a mechanism of control on the discharge of air contaminants but would have the potential to be difficult and costly to enforce community wide.

**Respectfully submitted:**



---

John Towgood, Planner 1

# APPENDIX A

## Air-Quality -Bylaw

Wed. Jan 6 2016

Ucluelet Municipal Hall  
200 Main Street  
P.O. Box 999  
Ucluelet BC  
V0R3A0

Attention District of Ucluelet:

My name is Johanne Lambin Goulet and I recently purchased a 4-plex where I live with my family at 221 Boardwalk Blvd. I am asking the council to create a new Air-Quality By-law.

The reason I am presenting this idea is because our neighbours who have a home 20 feet from our house have a woodstove that blows tremendous amounts

of constant smoke on our home and rental units. The chimney smoke is release right beside our deck sliding doors and bedroom windows. We cannot open our doors or windows. If we do smoke comes in and we cannot get it out. If we try to air it out more smoke comes in.

We feel oppressed in our own home daily.

We feel we cannot breathe - myself and our 7 year old daughter [REDACTED] are experiencing respiratory difficulties since the installation of Jerry and Vallery's woodstove on 22nd Nov.

I have a letter from Dr [REDACTED], M.D. that states "[REDACTED] and her mother Johanne are suffering from the effects of smoke exposure from woodsmoke"

Please submit this letter prior to the council meeting so we can move forward with this ASAP.

Much appreciated

  
.....  
01/06/2015





The bottom deck.

small

The children's window









## STAFF REPORT TO COUNCIL

Council Meeting: Jan 26th, 2016  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOHN TOWGOOD, PLANNER 1

**FILE NO:** 4320-50

**FOLIO** 186.001

**SUBJECT:** FOOD PRIMARY LIQUOR LICENSE AMENDMENT APPLICATION – HOWLERS RESTAURANT SERVICE PAST MIDNIGHT AND PATRON PARTICIPATION ENTERTAINMENT (E.G. DINE AND DANCE OR KARAOKE)

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

**THAT** Council having gathered the views of nearby residents/businesses and taken into consideration the mandatory criteria prescribed by the Liquor Control and Licensing Branch (LCLB), the District of Ucluelet Council recommends that, with respect to the food primary liquor licence amendment application submitted by Howlers Restaurant, 1992 Peninsula Road, the LCLB;

- a. approve the request to extend hours of liquor service past midnight, to 2:00 am, 7 days a week; **and/or**
  - b. approve the request for patron participation entertainment in the form of dancing; **or**
2. **THAT** Council has considered the application and does not wish to support this amendment application to a food primary liquor licence

### **JANUARY 26<sup>TH</sup> UPDATE:**

At the January 12<sup>th</sup> Regular meeting of Council Staff were asked to confirm some of the Liquor Control Board (LCB) regulations and contact the owner and request more information on the proposed amendment.

1. This is an amendment to food primary liquor licence.
2. A restaurant with a food primary liquor licence can serve liquor till 2:00am. In fact a restaurant with a food primary liquor licence can serve till 4:00am.
3. For alcohol to be served with a food primary liquor license there needs to be an intent to eat, the kitchen needs to be open and a full menu needs to be available.
4. The LCB reviews the amount of alcohol served compared to amount of food served to ensure that a food primary liquor licence is in fact food primary.

Staff have spoken with the proponent and they said they will attend the January 26<sup>th</sup> meeting to answer any questions that Council may have.

**PURPOSE:**

To provide Council with information on a food primary liquor license amendment application for Howlers Restaurant which is requesting service till 2:00am and for patron participation with a dine and dance use. To present for Council’s consideration the results of the public consultation and referral processes undertaken by staff as part of Howlers Restaurant’s application to the Liquor Control and Licensing Branch (LCLB) for two permanent changes to its food primary liquor licence: 1) liquor service past 12:00 midnight and 2) patron participation entertainment in the form of dancing.

**BACKGROUND**

Council was previously advised that Howlers Restaurant, located at 1992 Peninsula Road, had submitted an application to the Liquor Control and Licensing Branch (LCLB) requesting a permanent change to its food primary liquor licence that will allow for liquor service past 12:00 midnight and patron participation entertainment in the form of dancing. At the regular Council meeting held November 24<sup>th</sup>, 2015 Council passed the following resolution:

- 1. *THAT Council request staff to gather the views of residents that may be affected by the proposal. To provide a report outlining the views and comments of the respondents and possible recommendations within 90 days of notification.*

In accordance with LCLB requirements, the applicant is requesting a Council resolution in support of its amendment application. The current licence provides for liquor service until midnight seven days a week, the requested amendment would extend the hours of service to 2:00 am.

Existing License Hours:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
9 am to 12 am	9 am to 12 am	9 am to 12 am	9 am to 12 am	9 am to 12 am	9 am to 12 am

Proposed License Hours:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
9 am to 2 am	9 am to 2 am	9 am to 2 am	9 am to 2 am	9 am to 2 am	9 am to 2 am

The current licence provides for live music without dancing (patron non-participation entertainment) until 12:00 am. The requested amendment would allow for patron participation entertainment in the form of dancing It should be noted that these are separate requests, and that while the public is being advised of both proposed amendments in a single notice, Council may support one, both or none.

**LIQUOR LICENSING PROCESS**

As part of the LCLB’s process for reviewing amendment applications, local governments are asked to gather the views of nearby residents/businesses potentially impacted by the application, provide



comment on the LCLB's mandatory considerations and submit a Council recommendation to the LCLB on whether the requested amendments should be approved. Mandatory considerations are:

- potential for noise
- impact on the surrounding community
- if the proposed change might shift the primary focus of operations from food service to liquor service.

#### **GATHERING THE VIEWS OF RESIDENTS AND REFERRALS**

Provincial regulations and guidelines for gathering the views of residents stipulate that input is only needed from residents/businesses that may be impacted by the application. While the area to be covered and method of collection are at the discretion of the local government, it is standard practice that only properties within a specified radius of the subject property are notified. For this application all property owners/occupants within 100 meters of the subject property were notified by mail. The Public notice was also available for viewing at the Ucluelet Municipal Hall. No letters or concerns have been submitted at the time of the writing of this report.

#### **REFERRALS**

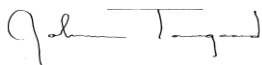
The District of Ucluelet's bylaw enforcement does not have any complaints of any kind on record in regards to Howlers Restaurant.

The Ucluelet RCMP detachment states it does not have any complaints of any kind on record in regards to Howlers Restaurant and the business has been operating in a respectful manner. The RCMP further note that the extension of liquor service hours may result in more noise and nuisance related calls and they would be hesitant to support the service of liquor till 2:00am proposed in this application.

#### **SUMMARY AND CONCLUSION:**

Howlers Restaurant is located in an area that is not residential in nature. The request to provide service liquor till 2:00am and for patron participation with dining and dancing has both a benefit to the community by adding to the night life options and a drawback by the additional noise and nuisance issues. Once Council has determined whether it supports the Howlers Restaurant application to extend its hours of liquor service past midnight and/or offer patron participation entertainment (dancing), staff will forward the recommendation, staff report and meeting minutes to the LCLB. The final decision on the primary food liquor licence amendments rest with the LCLB.

**Respectfully submitted:**



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John Towgood, Planner 1





## STAFF REPORT TO COUNCIL

Council Meeting: JAN 26<sup>TH</sup>, 2016  
500 Matterson Drive, Ucluelet, BC V0R 3A0

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**FROM:** JOHN TOWGOOD, PLANNER 1

**REF. NO:** 3800-30

**SUBJECT:** WHISKEY DOCK HISTORICAL SIGN

**ATTACHMENT(S):** DRAFT OF PROPOSED SIGN

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**RECOMMENDATION(S):**

1. **THAT** Council receive this report for information.

**PURPOSE:**

Planning staff have been tasked with creating signage annually to celebrate Ucluelet's history and culture. Working with our contractor, Schramm Design, we have developed signage that describes the history of a key piece of Ucluelet's infrastructure the Whiskey Dock. Our object was to create a photographic timeline of the dock, to hit the key moments in history and to enhance the sense of place with locals and tourist alike.

**Respectfully submitted:**

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John Towgood, Planner 1









## STAFF REPORT TO COUNCIL

Council Meeting: Jan 26th, 2016  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOHN TOWGOOD, PLANNER 1

**FILE NO:** 3060-20 **REF. NO:** DP16-01

**SUBJECT:** DEVELOPMENT PERMIT FOR 166 FRASER LANE

**ATTACHMENT(S):** APPENDIX A- DP APPLICATION

### RECOMMENDATION(S):

1. **THAT** Council approve the issuance of Development Permit DP16-01 for the rebuilding of a boat shed per sketches and notes submitted by the property owner attached as **Appendix A** and to the conditions outlined within the body of this report which includes the following variances to the Zoning Bylaw:
  - a. A setback of 4.15m where Section 306.2 (1) (a) of the Zoning Bylaw states “that no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged within... 7.5m of the natural boundary of the ocean”; **and**
  - b. A Minimum setback of 0.3m where Section CD-1.6.1 (1) (c) of the Zoning Bylaw states that an interior side yard of 5.0m is required: **or**
  
2. **THAT** the Development Permit DP16-01 for Lot 1, Plan VIP36002, District: 09 (166 Fraser Lane) be considered and denied.

### PURPOSE:

To consider the insurance of a Development Permit (DP) for the rebuilding of a boat shed located at 166 Fraser Lane (Figure 1) in accordance with the Development Permit Guidelines for Development Permit Area No.1 (Village Square) under the Official Community Plan (OCP).

### BACKGROUND

Planning Staff are in receipt of an application for a Development Permit at the above referenced address. The subject property falls within the area described in the OCP as Development Permit Area No.1 (Village Square). The category under the Local Government Act in which this Development Permit Area was established relates to:

- Revitalization of an area in which a commercial use is permitted; and
- Establishment of objectives for the form and character of development in the resort region.

**OVERVIEW OF DEVELOPMENT PROPOSAL:**

The Applicant is proposing to replace an existing wood post beam and plywood structure that is used for the maintenance and rebuilding of boats with a metal building (Figure 2). The proposed building will be of the same size and height of the existing structure and will be blue in color.

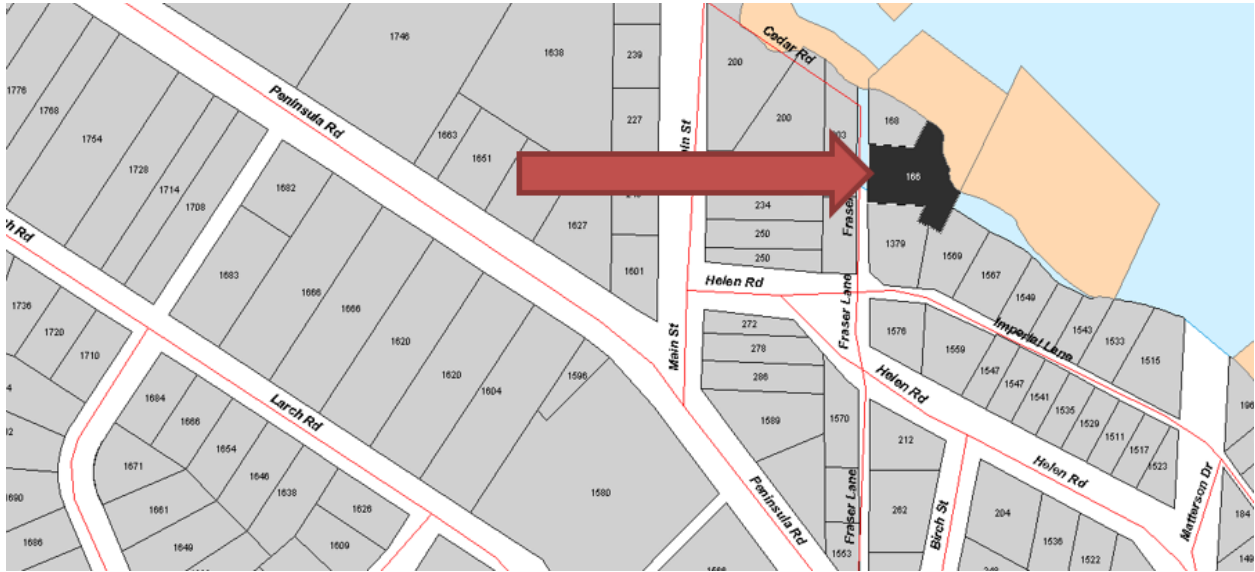


Figure 1



Figure 2

**DEVELOPMENT PERMIT AREA NO.1 (VILLAGE SQUARE) GUIDELINES**

The Development Permit Area No.1 (Village Square) guidelines speak to creating a district and vibrant and mixed-use Village Square area. The guidelines require that development reflect the west-coast fishing village character and cultural heritage of Ucluelet. The area around the building is mostly landscaped or left to its natural state and the replacement of this structure

**ZONING:**

The subject site fall within the CS-1 Village Square Commercial which allows for the existing and proposed use;

*CS-1.1.1 (1) (s) Boat Building and Repair*

With Boat Building and Repair being defined as:

*“Boat Building and Repair” means the use of land, buildings or structures for the manufacturing, servicing or repair of watercraft;*

The existing boat structure was built pre 1970 as indicated on a survey plan and the area had different property configurations. In 1980 the properties were reconfigure to allow the existing buildings including the subject and thus giving the existing subject boat shed a lawful non-conforming status. However the lawful non-conforming status only applies to the existing building and the replacement structure will require the following variances;

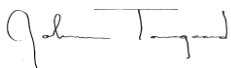
- a. A setback of 4.15m where Section 306.2 (1) (a) of the Zoning Bylaw states “that no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged within... 7.5m of the natural boundary of the ocean”; **and**
- b. A setback of 0.3m where Section CD-1.6.1 (1) (c) of the Zoning Bylaw states that an interior side yard of 5.0m is required:

The owner has indicated that the height will be comparable to the existing building at 7.6m (25ft) which is well below the 11 m (36ft) allowed.

**SUMMARY:**

The proposed rebuilding of this boat shed for Pioneer Boat Works is directly in line with the revitalization of commercial uses with in the Village Square. The Boat Building and Repair use is both culturally and historically significant to Ucluelet’s identity and an important element to preserve. The proposed metal cladding siding distinctly reflects a west-coast fishing village form and character. The size and shape of the building is not proposed to change mitigating the impact to the neighboring properties.

**Respectfully submitted:**



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John Towgood, Planner 1

# APPENDIX A

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## GURNEY-CASWELL HOLDINGS LTD

dba Pioneer Boatworks

250-726-4382

[pioneerboatworks@pbw.](mailto:pioneerboatworks@pbw.telus.biz)

[telus.biz](http://telus.biz)

Eric Caswell

December 17, 2015

Variance Board Members  
District of Ucluelet  
200 Main Street, PO. 999  
Ucluelet BC V0R3A0

Dear Sirs or Madame,

We own and operate Pioneer Boatworks at 166 Fraser Lane, Ucluelet. Our primary business is boat maintenance and marine hull repair. We need to replace our existing boat shed at the top of our marine railway. I am asking for a variance of the setbacks required for CS-1 zoning.

To protect our workers and conform to present environmental law, we need to have a structurally sound building in which we can contain any contaminates generated during the cleaning and maintenance of hulls. (Boats) Cost prohibits the repair of the existing structure, therefore we are looking to replace the existing wooden building with a metal building.

As seen in the drawing, we will reduce the total width of the building, but still do not meet the setback requirements. We will also increase the length of the building by 1'8" to make it conform to the manufactures design length, and to provide complete containment of contaminates released during the hull cleaning process. The height should be comparable to the existing building at 25'. If we are not able to rebuild, our business will be in a precarious position.

We do consider ourselves an important part of the Ucluelet Waterfront as most of our customers are not locals, and the spinoff generated has a positive impact on the other businesses in town.

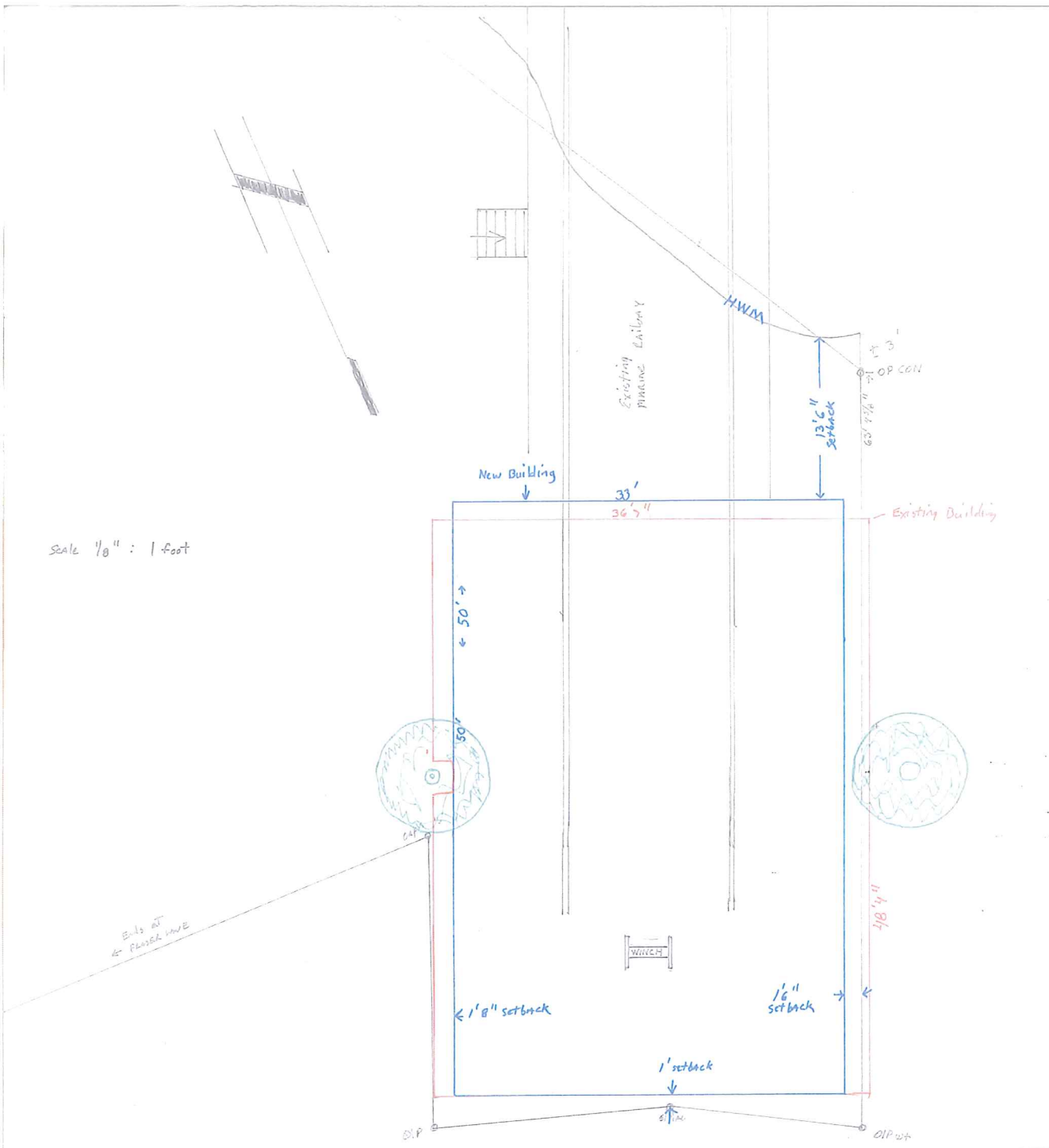
Thank You,



Eric Caswell, President, Gurney-Caswell Holdings LTD dba Pioneer Boatworks



Scale 1/8" = 1 foot

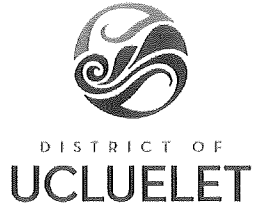


New Boatshed - Pioneer Boatworks  
33' x 50' Metal Building

Scale 1/8" = 1'

Drawn by EAC





## STAFF REPORT TO COUNCIL

Council Meeting: JANUARY 26, 2015  
500 Matterson Drive, Ucluelet, BC V0R 3A0

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**FROM:** JOHN TOWGOOD PLANNER 1, ABBY FORTUNE DIRECTOR OF PARKS AND RECREATION      **FILE NO:** 3900-25 #1187  
**SUBJECT:** PROPOSED SMOKING CONTROL BYLAW  
**ATTACHMENT(S):** APPENDIX A - SMOKING CONTROL BYLAW NO. 1187, 2016

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**RECOMMENDATION(S):**

1. **THAT** Council give up to three readings to the Smoking Control Bylaw No. 1187, 2016;  
**or**
2. **THAT** Smoking Control Bylaw No. 1187, 2016, be considered and determined to not proceed further.

**PURPOSE:**

The purpose of this report is to provide Council with the proposed Smoking Control Bylaw No. 1187, 2016 for consideration, with advancement up to Third Reading.

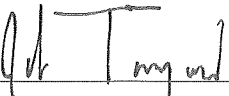
**BACKGROUND:**

At the November 10th, 2015 Regular Meeting of Council, staff were directed to create a Smoking Control Bylaw that includes the following aspects:

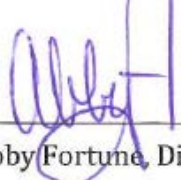
- a) A ban on smoking in all public playgrounds, playing fields, designated public spaces, public trails and all municipal parks;
- b) Increase the current 3 metre buffer zone for smoking near doorways, open windows, air intakes and bus stops to 8 metres;
- c) A ban on smoking in restaurant/bar patios, as well as 8 metres from customer service areas, including patios; and
- d) Apply a fine based enforcement strategy

A Smoking Control Bylaw has been drafted (Appendix A) in the spirit of protecting the public health and for the protection of the environment from the associated litter and fire danger.

**Respectfully submitted:**

  
\_\_\_\_\_  
John Towgood, Planner 1

**Respectfully submitted:**

  
\_\_\_\_\_  
Abby Fortune, Director of Parks & Recreation



**DISTRICT OF UCLUELET  
BYLAW NO. 1187, 2016**

“A Bylaw to Regulate Smoking”

**WHEREAS**, it is desirable for the protection, promotion and preservation of health for the citizens and visitors of the District of Ucluelet;

**AND WHEREAS**, Council has consulted with the medical health officer on this Bylaw and deposited a copy thereof with the Ministry of Health;

**NOW THEREFORE**, Council under its statutory powers, including Section 8(3)(i) of the Community Charter, S.B.C. 2003, c. 26 (the "Community Charter") and Public Health Bylaws Regulation, B.C. Reg. 42/2004, enacts as follows:

Title

- 1) This bylaw may be cited as “Smoking Control Bylaw No. 1187, 2016.”

Definitions

- 2) "E-cigarette" means a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vaporizing a substance for inhalation or release into the air;
- 3) “Customer service area” means a partially enclosed or unenclosed area, including a balcony, patio, yard or sidewalk, that is part of or connected to or associated with a business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site;
- 4) "Municipal Park" means any property owned and dedicated as a park by the District of Ucluelet and including but not limited to public playgrounds, playing fields, beaches, designated public spaces or public trails;
- 5) "Smoke" or "Smoking" means to purposely inhale or exhale smoke from or burn or carry, a lighted cigarette, cigar, pipe, e-cigarette or other smoking equipment that burns or vaporizes tobacco, weed or other substance;
- 6) "Building" includes a structure.

Prohibition

- 7) No person shall smoke in any part of a municipal park within the District of Ucluelet;
- 8) No person shall smoke within 8 metres measured horizontally and/or vertically of any opening into any building, including any door or window that opens or any air intake;

- 9) No person shall smoke in a restaurant;
- 10) No person shall smoke within 8 meters of “customer service areas”.

#### Exceptions

- 11) The District of Ucluelet reserves the right to designate smoking areas for outdoor special events.

#### Fines

- 12) Fines and penalties for tickets issued for offences against this bylaw shall be in accordance with Schedule “A”, attached hereto and forming part of this Bylaw.
- 13) Pursuant to section 264(4) of the *Community Charter*, the words or expressions set out in Column 1 of Schedule “A” designate the offence committed under the bylaw section appearing in Column 2 opposite the respective words or expressions.
- 14) Pursuant to section 265(1)(a) of the *Community Charter*, the amounts appearing under Column 3 of Schedule “A” are the fines set for the corresponding offences designated in Column 1 of each Schedule.

#### Duty of Administration and Enforcement

- 15) The intent of this Bylaw is to set standards of general public interest, and not to impose a duty on the District of Ucluelet or its employees to enforce its provisions and:
  - a) A failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
  - b) The grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to a cause of action.

#### Severability

- 16) Where a decision by a court of competent jurisdiction determines that any part of this Bylaw is illegal, void, or unenforceable severs, that part is deemed severed from this Bylaw and is not to affect the balance of this Bylaw.

**READ A FIRST TIME** this X day of XX, 2016.

**READ A SECOND TIME** this X day of XX, 2016.

**READ A THIRD TIME** this X day of XX, 2016.

**ADOPTED** this X day of XX, 2016.

**CERTIFIED A TRUE AND CORRECT COPY:** “Smoking Control Bylaw No. 1187, 2016.”

\_\_\_\_\_  
Mayor  
Dianne St. Jacques

\_\_\_\_\_  
Chief Administrative Officer  
Andrew Yeates

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

\_\_\_\_\_  
Chief Administrative Officer  
Andrew Yeates

**SCHEDULE "A"**  
**BYLAW 1187, 2016**

**SMOKING FINES**

Column 1 - Offence	Column 2 - Section	Column 3 - Set Fine
Smoking in a municipal park	7	\$50
Smoking too close to a building opening	8	\$50
Smoking in a restaurant	9	\$50
Smoking too close to a customer service area	10	\$50