

Village of Sayward

Strategic Priorities Fund - small communities:

Small communities with a limited tax base should not be competing for funding at the same sharing level as larger communities. This is more about the “COMPETING” for grants against larger towns. Funding to 75% or in some cases to 100% for small communities should be based on priority and ability for the community to fund needed infrastructure projects. Similarly, small communities should be considered for a higher base level of funding through the Community Works Fund.

B75

Community Works Funding – Small Communities

Sayward

Whereas many communities are wrestling with increased infrastructure costs for essential services and in finding adequate sources of funding;

And whereas small communities have very limited funding options for providing basic infrastructure for their residents:

Therefore be it resolved that UBCM work with the Province to change the base level of Community Works Funding to \$100,000 for communities under 5,000.

Convention Decision: *Referred to AVICC*

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



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

City File No.: 1950-01

March 7, 2018

Association of Vancouver Island
And Coastal Communities
525 Government Street
Victoria, B.C. V8V 0A8

Re: 2018 Resolution – Strata Utility Billing Legislative Changes

Please be advised that the City of Courtenay submits the following resolution for the 2018 AVICC Annual General Meeting:

Strata Utility Billing Legislative Changes
City of Courtenay

WHEREAS many British Columbia municipalities invoice strata corporations directly for the collection of utility services fees;

AND WHEREAS billing individual strata property owners directly for utility services fees would have significant financial administrative implications for these municipalities;

THEREFORE BE IT RESOLVED THAT the Minister of Municipal Affairs and Housing be respectfully requested to take forward to the Legislative Assembly amendments to the *Community Charter* and *Strata Property Act* to afford municipalities the option of imposing utility services fees on either strata councils or on individual strata lot owners.

I trust the above is satisfactory, and please do not hesitate to contact me if you require further information.

Yours truly,

Original Signed By

John Ward, CMC
Director of Legislative and Corporate Services
Deputy Chief Administrative Officer

BACKGROUND

Strata Utility Billing Legislative Changes

Currently in British Columbia, many municipalities bill strata corporations directly for the collection of utility services fees including water, sewer, and municipal solid waste.

Some strata owners have expressed concerns regarding the equitable distribution of these costs by strata corporations to individual strata property owners.

Based on the definition of “owners” in both the *Community Charter* and the *Strata Property Act* some individual strata property owners have requested the City of Courtenay to change its processes to commence invoicing strata property owners in order to comply with provincial legislation.

If staff were to grant the request to switch to direct billing the City of Courtenay’s 3,050 applicable strata property owners, significant time and resources would be required. This would create significantly higher costs to the City as staff would be required to periodically calculate and bill a proportional amount of the water, sewer and municipal solid waste for each individual owner. As a result, the additional costs would need to be added to utility services fees which would impact individual strata property owners.

As this issue is a serious concern for many municipalities, the City of Courtenay, through AVICC and UBCM is requesting that Minister of Municipal Affairs and Housing take forward to the Legislative Assembly amendments to the *Community Charter* and *Strata Property Act* to afford municipalities the option of imposing utility services fees on either strata councils or on individual strata lot owners.

END OF DOCUMENT

ATTACHMENT A

Title: Ramifications regarding Breaches of Confidentiality

Sponsor's Name: City of Nanaimo

WHEREAS the duty to respect confidentiality is a serious matter in all levels of government and the legal and court costs associated with upholding the confidentiality provisions of Section 117 of the *Community Charter* are prohibitive; and

WHEREAS by exploring other levels of compliance would be beneficial ethically and financially for ensuring that the interests of the general public are upheld;

THEREFORE BE IT RESOLVED that the AVICC and Union of BC Municipalities strongly encourage the Province to act to expand the avenues to which non-compliance by Council of can be deterred by implementing stronger and more easily accessible penalties for contravention of Section 117 of the *Community Charter*.



Council Member Motion

For the Committee of the Whole Meeting of February 8, 2018

To: Committee of the Whole

Date: February 5, 2018

From: Councillor Loveday

Subject: AVICC Motion re: Gender-based Violence Strategy for Youth

AVICC Motion re: Gender-based Violence Strategy for Youth

Whereas children and youth who have been impacted by violence experience devastating and long-ranging mental health, physical health, social and educational impacts.

And whereas the #metoo campaign has recently highlighted gender-based violence as one of the most pervasive forms of violence, taking various forms (e.g. cyber, physical, sexual, psychological, emotional, and economic).

And whereas according to Statistics Canada, young women aged 15 to 17 report the highest rate of gender-based violence amongst all age groups (2,710 per 100,000), and Indigenous, LGBTQ2, and disabled girls experience even higher rates of violence.

And whereas in 2017 the Government of Canada launched *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence* identifying three priority areas: prevention, engaging men and boys, and support for survivors. To support the strategy, the federal government has committed \$100.9 million over five years, and an additional \$20.7 million per year going forward. While the BC government recently announced \$5 million to assist organizations working to prevent and respond to gender-based violence, there is currently no cohesive provincial strategy in place

And whereas in order to combat gender-based violence among youth in BC and support healthy relationships, healthy families and healthy communities, a provincial strategy is needed. Drawing on the expertise of all relevant Ministries, and building on the resources and strategies identified in the federal strategy, a comprehensive provincial strategy can be a catalyst for positive cultural change.

Therefore be it resolved that the AVICC call on the Ministry of Education, the Ministry of Child and Family Development, the Ministry of Public Safety, and the Ministry of Mental Health to work together to develop a Gender-Based Violence Prevention Strategy for Youth.

And be it further resolved that AVICC forward this motion on to UBCM for consideration.

Respectfully Submitted,

 A handwritten signature in black ink, appearing to read "Loveday", is written over a rectangular stamp. Below the signature, the text "Councillor Loveday" is printed.

Councillor Loveday

Gender-based Violence Strategy for Youth

City of Victoria

WHEREAS children and youth who have been impacted by violence experience devastating and long-ranging mental health, physical health, social and educational impacts and the #metoo campaign has recently highlighted gender-based violence as one of the most pervasive forms of violence, taking various forms (e.g. cyber, physical, sexual, psychological, emotional, and economic);

AND WHEREAS according to Statistics Canada, young women aged 15 to 17 report the highest rate of gender-based violence amongst all age groups (2,710 per 100,000), and Indigenous, LGBTQ2, and disabled girls experience even higher rates of violence, noting that in 2017 the Government of Canada launched It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence identifying three priority areas: prevention, engaging men and boys, and support for survivors. To support the strategy, the federal government has committed \$100.9 million over five years, and an additional \$20.7 million per year going forward. While the BC government recently announced \$5 million to assist organizations working to prevent and respond to gender-based violence, there is currently no cohesive provincial strategy in place;

AND WHEREAS in order to combat gender-based violence among youth in BC and support healthy relationships, healthy families and healthy communities, a provincial strategy is needed. Drawing on the expertise of all relevant Ministries, and building on the resources and strategies identified in the federal strategy, a comprehensive provincial strategy can be a catalyst for positive cultural change;

THEREFORE BE IT RESOLVED THAT the AVICC call on the Ministry of Education, the Ministry of Child and Family Development, the Ministry of Public Safety, and the Ministry of Mental Health to work together to develop a Gender-Based Violence Prevention Strategy for Youth, and that AVICC forward this motion on to UBCM for consideration.

Seismic Early Warning System

BACKGROUND

Backgrounder: <https://news.gov.bc.ca/releases/2016TRAN0037-000297>

“An investment of \$5-million to Ocean Networks Canada aims to increase the development and use of earthquake early warning systems in B.C. that could enhance life safety for British Columbians living in areas of the province with seismic risk. The one-time project funding will add more offshore strong motion sensors and help integrate them with land-based sensors for more robust collection and analysis of seismic activity, with the aim of contributing to early detection and notification tools for the public.

Ocean Networks Canada currently collects data from offshore and coastal strong motion sensors that will link into networks of land based sensors from other agencies including those owned by the Ministry of Transportation and Infrastructure, Natural Resources Canada and the University of British Columbia. Our investment looks to bolster the integrated network of earthquake sensors, increase the reliability and effectiveness of the data and analysis that comes from them, feed it to a centralized source that in turn can immediately deliver early detection notifications prior to the arrival of the damaging waves of an earthquake.

Quotes:

Naomi Yamamoto, Minister of State for Emergency Preparedness –

“Investing in tools that help ensure British Columbia’s resilience in emergencies is of pinnacle importance to this government, as reflected by the investments made in the new budget. Contributing to an effective earthquake detection system is prudent, as every second of early warning can save lives. Preparedness is key to resilience and sparing lives with a few extra seconds warning that allow us to drop, cover and hold on will provide a critical tool. I urge British Columbians to personally invest and contribute to our resilience by ensuring they have the plans and supplies to survive a minimum of 72 hours after a damaging quake rocks us.”

Dr. Kate Moran, president and CEO of Ocean Networks Canada –

“We’re thrilled to be working with Emergency Management BC to bring our world-leading ocean technology to save lives and reduce damages when an earthquake strikes. Making earthquake early warning a reality is rooted in Ocean Networks Canada’s vision to enhance life on Earth by providing knowledge and leadership that deliver solutions for science, industry and society.”

Dave Cockle, Oak Bay fire chief, president of the BC Earthquake Alliance –

“Investment in earthquake early warning systems for our province is a key step in protecting British Columbians. The seconds or minutes of advance warning can allow people and systems to take appropriate actions to protect life and property. Even a few seconds can enable protective actions like the ability to ‘Drop, Cover and Hold On’, to turn off equipment, safely stop

vehicles and transportation infrastructure, allow surgeons to stop delicate procedures and emergency responders can initiate emergency procedures, prepare and prioritize response.”

Quick Facts:

- Primary wave (P-wave) sensors detect the first movements from the earth’s crust when an earthquake occurs. These first non-damaging waves are followed by secondary waves (S-waves), which cause the majority of shaking. The ability to quickly detect the P-waves can provide seconds of advance warning before the arrival of the S-waves. The effectiveness of the detection tool depends on having enough sensors and reliable communication infrastructure to get accurate information out quickly, as well as the distance from the quake’s epicentre to the recipients of the warning. This funding helps provide more P-wave sensors and precise GPS receivers.
- Ocean Networks Canada will install three more P-wave sensors in the Cascadia Basin, Barkley Canyon and Clayoquot Slope regions and five more along the coast of northern Vancouver Island to help test and refine the earthquake early warning system they have developed. To help reduce the likelihood of issuing false notifications, a minimum of three sensors need to be triggered by a seismic event. This one-time funding will support the development of a more effective and reliable notification system by increasing the number of sensors that comprise the network.”

SHORT TITLE: Seismic Early Warning System

Sponsor's Name: City of Powell River, British Columbia

WHEREAS the Provincial Government has recently invested five million dollars into Ocean Networks Canada's earthquake early warning system in B.C. to increase its number of offshore strong motion sensors and to integrate them with land-based sensors for robust collection and analysis of seismic activity; and

WHEREAS this system is intended to feed a centralized source that in turn can immediately deliver early detection notifications prior to the arrival of the damaging waves of an earthquake to enhance life safety for British Columbians living in areas of the province with seismic risk;

THEREFORE BE IT RESOLVED that AVICC/UBCM request that the province commit to making the earthquake early warning system operational by completing the development of access to this network for communities, and other entities in the public and private sectors, for public safety in all parts of B.C. vulnerable to earthquake.

File No. 0390-20-01

January 26, 2018

Via Email: avicc@ubcm.ca

AVICC Executive Coordinator
Local Government House Office Manager
525 Government St, Victoria, BC V8V 0A8

Re: To Rescind Four Year Local Government Term

Please find enclosed a copy of a proposed resolution from Metchosin Council regarding rescinding the four year local government term, for submission to the 2018 AVICC conference.

Please contact me if you require further information.

Yours truly,

Tammie Van Swieten
Deputy Corporate Officer

encl.

TO RESCIND FOUR YEAR LOCAL GOVERNMENT TERM

Metchosin

WHERE AS four year terms are onerous for many in small communities, where being an elected official is not a well-paid position, even though the demands of the position can be stressful, time-consuming, and of great consequence to their communities, and;

WHERE AS three year terms allow greater accountability to residents, who are able to show, through elections, their regards for the directions their local governments are taking;

THEREFORE be it resolved that the provincial government reinstate three year local government terms.

January 2018

Backgrounder Re: To Rescind Four Year Local Government Term

BC has had a history of changing the municipal election cycles, although it is difficult to get any information pre 1986, which seems to have been two year staggered terms and prior to that one year terms.

UBCM Resolutions:

1986 vote to extend term to three years, and a provision for local autonomy be provided that would allow annual elections if the affected electors so decide, endorsed

1990 first three year election term

2003 vote for a choice of either three year terms or staggered two year terms, defeated

2006 vote for four year term defeated

2007 vote for four year term endorsed

2010 vote for four year term defeated

2013 vote for four year term endorsed

2014 first four year term

In 2010 UBCM (Union of British Columbia Municipalities) did not endorse a resolution to move to a four year term of office and the provincial government agreed not to change the term of office. Subsequently in 2013 UBCM members narrowly approved extending the term to four years, and within six months, without any public input, the province announced that the 2014 election would be the beginning of a four year term.

Four year terms work for elected officials from larger jurisdictions who run expensive campaigns, by reducing their expenses, and who might consider being an elected official as a long term job/calling that comes with appropriate remuneration. However, for smaller local governments, where election campaign costs are not such a burden, where remuneration generally is not sufficient to live on, and the position could almost be considered a volunteer one, the commitment of a four year term can be onerous, especially where small municipalities have less staff and councillors shoulder many duties.

Most elected councils serve their communities well, mirroring the wishes of their electorate, but occasionally there comes along a dystopian state known as a dysfunctional council, a painful sad creature that is apt to chew off its own foot from frustration over split votes, autocratic rule, and bullying. Politicians are already the butt of many jokes and a dysfunctional council does all of us harm as they play into negative stereotypes.

A three year term allows the electorate to remove the offending councillors and/or mayor before the damage becomes entrenched.

Some people will say that a four year term is needed to ensure larger projects are completed. However going back to the residents after three years to seek continuing approval for projects is more accountable to those paying for said projects.

In short, particularly for smaller communities, three year terms are preferable to four year terms.



Council Member Motion
For the Committee of the Whole Meeting of November 23, 2017

Date: November 17, 2017

From: Councillor Ben Isitt

Subject: Resolution: Modernizing the BC Motor Vehicle Act

Recommendation:

That Council (1) endorse the Road Safety Law Reform Group of British Columbia's Position Paper on Modernizing the BC Motor Vehicle Act and the resolution "Modernizing the BC Motor Vehicle Act"; (2) Request that the Mayor write to the BC Minister of Justice and Attorney General, copying the Premier, the Minister of Transportation, Members of the Legislative Assembly, and local governments in British Columbia, requesting favourably consideration; and (3) direct staff to forward the resolution to the Association of Vancouver Island and Coastal Communities and Union of BC Municipalities for consideration at the 2018 annual meetings of those associations:

Resolution: Modernizing the BC Motor Vehicle Act

WHEREAS The Road Safety Law Reform Group of British Columbia and organizations including the City of Vancouver, British Columbia Cycling Coalition and Trial Lawyers Association of British Columbia have called on the Government of British Columbia to review and modernize the BC Motor Vehicle Act;

AND WHEREAS modernization of this legislation is necessary to achieve the Government of British Columbia's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020;

AND WHEREAS the Road Safety Law Reform Group has provided evidence-based recommendations for increasing safety for vulnerable road users, including children, seniors, people with disabilities, pedestrians and cyclists;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia review and modernize the BC Motor Vehicle Act, to increase safety for all road users and achieve the "Vision Zero" objective of making BC's roads the safest in North America and eliminating road-related injuries and deaths by 2020.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt", written over a light blue horizontal line.

Councillor Ben Isitt

Attachments:

1. Position Paper of the Road Safety Law Reform Group of British Columbia
2. Letter to Government of British Columbia

Modernizing the BC *Motor Vehicle Act*

Position Paper
of the
Road Safety Law Reform Group
of British Columbia

June 1, 2016

Endorsed by HUB Cycling, The British Columbia Cycling Coalition and the Trial
Lawyers Association of British Columbia

Executive Summary

The Road Safety Law Reform Group¹ is a British Columbian consortium of representatives from the legal community, cycling organizations and research institutions. We support the BC government’s “Vision Zero” plan to make BC’s roads the safest in North America and eliminate road-related injuries and deaths by 2020.

We seek to make roads safer for vulnerable road users—including pedestrians, cyclists and children—by advocating for evidence-based reforms that will modernize the province’s rules of the road in accordance with the BC government’s vision. We have identified 26 recommendations for changes to British Columbia’s traffic legislation.

Modernizing the Motor Vehicle Act

BC’s *Motor Vehicle Act* (the “MVA” or the “Act”), as its name suggests, was written with motorists in mind. Rules for cyclists were largely confined to a section titled “Bicycles and Play-vehicles.” The MVA was passed in 1957 and has changed surprisingly little since.

Changes to the Act are required if BC is to meet its “Vision Zero” road safety targets. Decades’ worth of evidence has shown that cyclists and other vulnerable road users are not adequately protected by the nearly 60-year-old Act. The transportation environment has evolved since 1957. Cycling in particular has become an established and growing form of transportation, with significant and compounding environmental, economic and public health benefits. A quarter of BC residents now cycle weekly or daily and cycling is the fastest growing mode of transportation in Metro Vancouver.

With reform either recently completed or pending in Canada’s two most populous provinces—Ontario and Quebec—British Columbia has an opportunity to capitalize on momentum. To achieve the safest roads in North America, BC too will need to align its laws with recommended cycling practices and promote behaviours that reduce collisions, injury and death.

Research-Based Recommendations for Reform

The guiding principles and specific recommendations set out in this Position Paper are based on scientific and legal research, recognized best safety practices, and the experiences of BC road users. The City of Vancouver is not a formal member of the consortium but has participated informally in support of reforms aligned with the City’s Transportation 2040 policy toward an inclusive, healthy, prosperous, and livable future. Similarly, TransLink, in their Regional Cycling Strategy, endorsed amending the Act to:

¹ The Road Safety Law Reform Group is chaired by David Hay Q.C., and consists of:

- Erin O’Melinn - Executive Director HUB Cycling
- Kay Teschke - Professor, School of Population and Public Health, The University of British Columbia
- S. Natasha Reid - Lawyer
- Arno Schortinghuis - President of the British Columbia Cycling Coalition (BCCC)
- Colin Brander - Treasurer of the BCCC
- Richard Campbell - Third Wave Cycling
- Nate Russell - Lawyer

- clarify the distinct needs, rights and responsibilities of the different classes of road users,
- provide enhanced legal protection for vulnerable road users, and
- allow and clearly define conditions to implement road safety measures such as speed limits.

Aims of Reform

Equality before the law is a guiding principle for law reform. This requires taking into account the *capabilities* and *vulnerabilities* of all road users, not only motorists. That legislation crafted in the 1950s fails to equally address vulnerable road users today is not surprising. It is, however, a good reason to look at meaningful reforms to the Act.

The aims of reform include the following, many of which are interdependent:

- clarifying the rights and duties of road users to improve understanding and compliance and reduce conflict between all road user groups,
- acknowledging the fundamental differences between road user groups' capabilities and vulnerabilities, and recognizing the increased risks faced by more vulnerable classes of road users,
- aligning the law with best practices for safer road use by vulnerable road users,
- reducing the likelihood of a collision involving a vulnerable road user,
- prioritizing enforcement of laws that target activities most likely to result in collisions, injuries and fatalities, and
- reducing the likely severity of injuries resulting from collisions involving vulnerable road users.

Summary of Proposed Reforms

The proposed reforms are set out in five sections.

Section 1: Change the Name of the Act

Section 1 recommends changing the name of the Act to one reflective of the law's essential purpose. Renaming the *Motor Vehicle Act* to the *Road Safety Act* would be a symbolic step in support of the BC Government's "Vision Zero" plan and increase public awareness by emphasizing safety.

Section 2: Amend Rules of General Application

Section 2 addresses amendments to rules of general application, including:

- adopting appropriate classifications for different road user groups, and
- empowering (while reducing the burden upon) municipalities to set suitable speed limits within municipal boundaries.

Section 3: Add Rules to Improve Cyclist Safety

Section 3 sets out amendments specific to driving and cycling behaviours. The proposed reforms include:

- a safe passing distance law,

- clarifying cyclist lane positioning at law,
- clarifying rights of way in commonly problematic situations, in particular where motorists turn across cyclist through-traffic; and
- clarifying when a cyclist may pass on the right.

Section 4: Add Rules for Cyclist-Pedestrian Safety

Section 4 is specific to cyclist-pedestrian interactions as they occur on sidewalks or in crosswalks.

Section 5: Add Fines for Violations that Threaten Vulnerable Road Users

Section 5 proposes amendments to the fines for violating MVA provisions that relate to vulnerable road users.

The proposed reforms would increase safety for vulnerable BC road users while promoting clarity, awareness and compliance with laws among all road user groups.

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Introduction

The BC *Motor Vehicle Act* (the “MVA” or the “Act”) was originally passed in 1957.² As the Act’s name suggests, it was written with motorists in mind. It reflected the transportation environment of its time. But we now know, with the benefit of decades of scientific evidence, that it does little to protect vulnerable road users such as cyclists and pedestrians on today’s roads.³

The BC government has set its “Vision Zero” plan to eliminate road-related injuries and deaths by 2020. For this to be accomplished, the MVA should be amended to protect vulnerable road users and encourage modes of transportation that yield environmental, economic and public health benefits, such as walking and cycling.

This position paper from the *Road Safety Law Reform Group*, a coalition of organizations seeking to make roads safer, contains evidence-based proposals for law reform.

An increasing number of British Columbians choose to cycle for transportation. Available data and anecdotal reports suggest the vast majority of cyclists are also motorists,⁴ and most British Columbians ride bicycles at some point in their lives. Approximately 67% of adults in BC ride a bicycle at least once a year, 42% at least once a month and 25% at least once a week.⁵ More would choose this option if the roads were safer for them.

The issue of MVA law reform interaction is therefore not a question of one group versus another, but about protecting British Columbians in the moments that they are vulnerable as road users, whether on foot or on a bicycle.

Other jurisdictions have modernized their laws to clarify the rights and responsibilities between motorists and cyclists, to align traffic laws with recommended cycling practices, and to ensure that the laws remain equitable for vulnerable road users. The time is right for BC to do the same.

The proposed reforms contained in this position paper have been developed following a review of the legislative history and jurisprudence, available scientific evidence, and the reported experience of BC road users. While the recommendations are in some cases

² *Motor-vehicle Act*, SBC 1957 c. 39 now *Motor Vehicle Act*, RSBC 1996 c. 318

³ British Columbia, Ministry of Health, *Where the Rubber Meets the Road*, (Office of the Provincial Health Officer, March 2016) [*Where the Rubber*]: <http://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/reports-publications/annual-reports/reducing-motor-vehicle-crashes-bc.pdf>

⁴ Peter A. Cipton, et al. “Severity of urban cycling injuries and the relationship with personal, trip, route and crash characteristics: analyses using four severity metrics.” *BMJ open* 5.1 (2015): e006654: <http://bmjopen.bmj.com/content/5/1/e006654.full>. See also Robert G. Wyckham & Sarah K. Wongkee, *Cycling Safety Issues in North and West Vancouver*, (Norwest Cycle Club, October 2013), unpublished: <http://www.cnv.org/~media/2ACEC4C6349344EFAA1E86853547DB65.pdf>

⁵ Andrea O’Brien, *British Columbia Cycling Coalition: Cycling Poll, 2013*, (NRG Research poll commissioned by BC Cycling Coalition, April 2013): <http://bccc.bc.ca/reports/bc-cycling-poll.pdf>

related to one another, the proposals may generally be viewed as capable of enactment
on a stand-alone basis.

Part I: The Case for Reform

A. BC Traffic Laws are Overdue for Modernization

Vulnerable Road Users Face Increased Risk

British Columbia's traffic environment has changed significantly over 60 years, but the rules respecting people riding bicycles have not changed substantially since 1957 when the Act came into force with a section titled "Bicycle and Play-vehicles". That section established special rules for cyclists to be followed in addition to general rules of the road.⁶ Bicycles are not considered "vehicles" under the Act, but someone operating a cycle has the same rights and duties as a driver of a vehicle. As this position paper discusses, the interaction between these sets of *special* and *general* rules creates confusion, risk and contradiction of best practices for cycling in traffic in some cases.

The risks caused by antiquated rules of the road are not the only factors of risk, of course. Infrastructure, geography and weather are also risk factors.⁷ But legislated rules are man-made risks that can be remedied and made to apply immediately throughout BC. They complement infrastructure changes and educational programs to increase safety.

ICBC data shows that cyclists, pedestrians and motorcyclists face an inherently greater risk of death or injury in an accident with a motor vehicle relative to the motor vehicle's occupants.⁸

The BC Government's own BC Road Safety Strategy research, updated in January 2016, states that "pedestrians and cyclists are very vulnerable road users, and advances in safety for these groups are needed." The 2016 update acknowledges that "as a proportion of total serious injuries involving motor vehicle crashes, cyclists actually constitute an increasingly greater share."⁹

A review of the applicable legislation, the BC jurisprudence and the best available evidence illustrate both the challenges and opportunities for people bicycling in BC as their presence on the road increases.

A BC cyclist certainly faces higher likelihoods of injury and death than a BC motor vehicle occupant for the same distance travelled. In addition, a BC cyclist's risk of death is considerably higher than a cyclist in jurisdictions with more advanced policies.¹⁰

⁶ Section 166 of the 1957 *MVA* is now s. 183 of the *MVA*.

⁷ British Columbia, Ministry of Public Safety and Solicitor General, *Moving to Vision Zero: Road Safety Strategy Update and Showcase of Innovation in British Columbia*, (RoadSafetyBC, January 2016), at 44 [*Moving to Zero 2016*]: <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/driving/publications/road-safety-strategy-update-vision-zero.pdf>

⁸ Refer to Part II, Section 2: General Rules, below.

⁹ *Moving to Zero 2016*, at 44-45.

¹⁰ Kay Teschke, et al. "Exposure-based traffic crash injury rates by mode of travel in British Columbia." *Can J Public Health* 104.1 (2013) [*Injury by Mode of Travel*]: e75-9.

Upgrades to infrastructure, while certainly an improvement to cycling safety as the City of Vancouver appears to have demonstrated,¹¹ are far from the only opportunity for improvement. For certain issues, law reform may be the sole means for change. In addition, infrastructure changes are best complemented by legal reforms that recognize their place in the road system.

The jurisprudence in BC reveals that modern best cycling practices are often at odds with legislation drafted nearly 60 years ago. This can place an unnecessary dilemma on cyclists who may choose to operate *either* according to safer cycling practices *or* to the letter of the law, but often not both. This disconnect also perpetuates the stigma that cyclists are “scofflaws” when they do not follow the rules of the road, rather than road users engaging in reasonable safe practices.¹²

When a claim for injuries arises, cyclists can be deprived of a remedy if they were contributorily negligent for violating a technical rule of the road even where they were operating according to acknowledged safer cycling practices. This is discussed further in the sections below.

Safety Risks and Laws that Deter Cycling

Fear about safety is a key deterrent to Metro Vancouverites getting on their bicycles.¹³ This unfortunate situation is self-perpetuating. Cyclists are safer the more of them share the road. Fewer cyclists means increased risk, which in turn adds to safety fears. The result is a sequence of reciprocal cause and effect in which fear and low cycling rates aggravate one another. What could be more safe for a greater number of people becomes less safe for fewer.

There is clear room for improvement. Cycling is not as safe in BC as it is in many countries that report higher cycling rates. The fatality rate for BC cyclists is estimated to be 2.6 per 100 million km, significantly higher than fatality rates in Germany, Denmark and the Netherlands, which report 1.7, 1.5, and 1.1 cyclist fatalities per 100 million km, respectively. Fatalities for cyclists are significantly higher than the estimated 1.0 per 100 million km fatality rate for motor vehicle occupants in BC.¹⁴

Cycling has gained legitimacy, the traffic environment has matured and safe cycling research has illuminated best practices. Fortunately, it will not entail extreme changes to improve the old laws.

¹¹ Vancouver has numerous infrastructure programs and has seen an increase in cycling commuters but an otherwise stable number of annual collisions (i.e. an overall declining rate of collisions). See: City of Vancouver, *Cycling Safety Study, Final Report*, (January 2015) at 15 [*Vancouver Cycling Report 2015*]: <http://vancouver.ca/files/cov/cycling-safety-study-final-report.pdf>

¹² *Vancouver Cycling Report 2015*, *ibid.* at 2: “societal perceptions and attitudes towards cycling may discourage some people from cycling.”

¹³ Meghan Winters, et al. “Motivators and deterrents of bicycling: comparing influences on decisions to ride.” *Transportation* 38.1 (2011): 153-168. See also *ibid.* at 3.

¹⁴ *Injury by Mode of Travel*, *supra* note 9.

Traffic has Changed

The key statutory provision governing cyclists today is s. 183 of the MVA. It is the indirect successor to s. 166 of the *Motor-vehicle Act*, SBC 1957 c. 39, which implemented the legislative framework still recognizable today. The rules set out in s. 183 have been carried forward from fragmented sources generally dating to the first half of the 20th century, a period when there were fewer than 200,000 total registered road vehicles in British Columbia, many likely foreign vehicles registered but not typically used within the province.¹⁵ Yet cycling for transportation has changed significantly in the nearly 60 years since the statutory framework governing “bicycles and play-vehicles” first came into force under the MVA.

The number of motor vehicles on the province’s roads has exploded since that time: as of 2014, there were just over 3 million registered road vehicles in British Columbia, of which approximately 160,000 are “heavy” vehicles in excess of 4,500 kg.¹⁶

Cycling has also changed. “Travel to Work” data from Statistics Canada shows that cycling was fairly insignificant 40 years ago: less than 0.3% of Canadians reported cycling as their principal method of commuter transportation in 1976. In 1984 motorcycles and bicycles *combined* still only accounted for less than 0.4% of commuter transportation. Then cycling among commuters more than tripled over 20 years. In 2006 and also in 2011 about 1.3% of Canadians cycled to work.¹⁷ A quarter of BC residents now cycle weekly or daily. Cycling is the fastest growing mode of transportation in Metro Vancouver.¹⁸

BC is more than typically bicycle-focused, with 2.1% of the workforce commuting by bike. The cities of Revelstoke, Victoria, and Oak Bay had the highest commuter cycling rates in the country in 2011, with 10 to 12% of commuters reporting cycling as their primary means for transport.¹⁹ Several other BC cities have commuter cycling levels higher than the provincial average, including Courtenay (2.4%), Squamish, Kelowna and Penticton (all at 3.5%); Nelson (3.8%), Terrace and Smithers (both at 3.9%), Comox (4.2%), Vancouver (4.4%), Saanich (5.4%), Esquimalt (6.4%) and Whistler (8.1%).

Despite cycling’s growing place in BC transportation, it is not where it could be given the various benefits that cycling offers. Bicycling is underused for transportation in

¹⁵ Statistics Canada, “Motor vehicle registrations, by province”, tables T147-194: <http://www.statcan.gc.ca/pub/11-516-x/section/4147444-eng.htm>. For 1975, *Road Motor Vehicles, Registrations*; for 1960 to 1974, *The Motor Vehicle: Part III, Registrations*, annual issues 1960 to 1974; for 1948 to 1959, *The Motor Vehicle*, each annual issue; for 1945 to 1947, *The Motor Vehicle in Canada*, annual issues; for 1935 to 1946, *The Highway and Motor Vehicle in Canada*, annual issues; for 1904 to 1934, *The Highway and the Motor Vehicle in Canada*, 1934, table 6, pages 12-17; for 1903, *Ontario Ministry of Transportation and Communications*. Tables T147-194. Motor vehicle registrations, by province, 1903 to 1975

¹⁶ Statistics Canada, “Motor vehicle registrations, by province and territory (Saskatchewan, Alberta, British Columbia)”: <http://www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/trade14c-eng.htm>

¹⁷ These figures are from Statistics Canada’s 2006 Census and the 2011 National Household Survey.

¹⁸ *Vancouver Cycling Report 2015*, *supra* note 10.

¹⁹ Statistics Canada, “Commuting to work.” *National Household Survey (NHS), 2011*: http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-012-x/99-012-x2011003_1-eng.pdf

Australia, Canada, Ireland, the United States, and the United Kingdom, constituting an estimated 1% to 3% of trips, compared with 10% to 27% of trips in Denmark, Germany, Finland, the Netherlands, and Sweden.¹⁸ Safety is one of the most frequently cited deterrents to cycling: cyclist injury rates are higher in countries where cycling for transportation is less common.²⁰

Navigating a roadway in BC is a dynamic exercise for all users but it can be a particularly challenging exercise by bicycle. It is not uncommon for cycling conditions to change frequently along a given route, as lane and shoulder widths change, road surfaces are cracked and patched, drainage gratings and utility access ports rise and sink, bike lanes (where they exist) come to an abrupt end or interruption, and all manner of large and small debris occupies the edge of the roadway. A person cycling in such dynamic conditions must evaluate and respond to the changing circumstances as best they can, all while taking into account dynamic vehicular traffic and parked cars. A cycling experience may not be at all comparable to a driving experience along the very same stretch of roadway.

Many cities throughout the province are making special efforts to increase cycling by providing designated cycling infrastructure, such as separated bike lanes along major streets, residential street bike routes and off-street bike paths. Some of this infrastructure, however, is not integrated into the Act and there is a disarticulation between the work municipalities are doing and the laws at the provincial level.

Cities are increasingly integrating measures designed to increase awareness and safety for cycle traffic into existing motorist and pedestrian infrastructure. Such measures include bike boxes, bike-specific traffic signals, and painting of high-conflict zone areas. Where these measures have no clear legal import or standing, the laws should be clarified.²¹

How the Act Stagnated

The historic statutory framework approached cycling as a play-time activity rather than a mode of public transportation. Virtually all of the rules in s. 183 of the MVA significantly pre-date the modern urban and traffic environment.

A brief history of bicycle law in BC is as follows:

- In the late 1800s, a patchwork of provincial and municipal rules in Canada and the United Kingdom arose to address the presence of bicycles upon the roadways of horsemen and carriages. Some of the rules found in s. 183 of the MVA originated in this period, including rules requiring bicyclists to stay to the right and to use a bell or a lamp at night.

²⁰ Kay Teschke et al., “Route infrastructure and the risk of injuries to bicyclists: a case-crossover study.” *American Journal of Public Health* 102.12 (2012): 2336-2343.

²¹ Further, the effectiveness of some measures has not been demonstrated or has even been contradicted. For example, research to date has tended to show that *sharrows* (road markings depicting double chevron lines over a bicycle icon) do not improve safety for cyclists. See M. Anne Harris, et al. “Comparing the effects of infrastructure on bicycling injury at intersections and non-intersections using a case-crossover design.” *Injury Prevention* 19:5 (2013): 303-310.

- In 1913, cyclists became *de facto* road users in BC, when they were banned from provincial sidewalks.²² Despite their relegation to the roadways, cyclists were not given any corresponding legislative status as vehicles.
- From the 1920s to 1940s, rules developed prohibiting cyclists riding two abreast, trailing on the back of vehicles or streetcars, carrying more than one rider, ride without due care, and to failing to remain and report at the scene of an accident.

The rules in s. 183 of the MVA—*other than* subsection 183(1) imposing the same rights and duties on cyclists as motorists—reflect historical rules prior to 1950. Those rules generally reflect two aims: to prohibit cyclists from playing carelessly in traffic and to mandate that they stay out of the way of legitimate traffic.

The 1957 MVA legitimized cycling on the province's roads but this also resulted in the blanket imposition that the same rights and duties designed for motorists be applied to cyclists. These rules had developed in relation to the streetcar and horse-and-carriage traffic of the earlier part of the 20th century. The blanket imposition of motorist rights and duties upon cyclists was neither designed nor intended to reflect or accommodate cycling-specific capabilities or vulnerabilities; it was simply expedient.

Since the enactment of the MVA in 1957 some reforms have been designed to alter the habits of motorists in other traffic contexts. Impaired driving laws are one obvious example, but the *yield to bus* provisions of 1998²³ and the newer distracted driving offences are more recent examples. All three of these examples are ones where a motorist's conduct is regulated to protect or accommodate other road users. The time is ripe for changes to the Act that would protect and accommodate vulnerable road users.

B. Guiding Principles for Legislative Reform

The aims of reform include the following, many of which are interdependent:

- clarifying the rights and duties of road users to improve understanding and compliance by and reduce conflict between all road user groups,
- acknowledging the fundamental differences between road user groups' capabilities and vulnerabilities, and recognizing the increased risks faced by more vulnerable classes of road users,
- aligning the law with best practices for safer road use by vulnerable road users,
- reducing the likelihood of a collision involving a vulnerable road user,
- prioritizing enforcement of laws that target activities most likely to result in collisions, injuries and fatalities, and
- reducing the likely severity of injuries resulting from collisions involving vulnerable road users.

²² *Highway Act Amendment Act, 1913*, SBC 1913, c.29.

²³ *South Coast BC Transportation Authority Act 1998* SBC 1998 c. 30, s.111.

By clarifying rights and responsibilities, aligning the law with best practices and increasing safety, legislative reforms should also serve the goal of increasing cycling's mode share within the province.

The business case for increasing cycling's mode share is compelling and has been documented for over a decade.²⁴ Exchanging driving for cycling for transportation significantly reduces costs for individuals and governments. A Canadian study suggests that if active transportation rates across the country were to reach Victoria, BC levels, the economic benefit to the country would be \$7 billion annually.²⁵

In order to meet the foregoing objectives, legislative reforms should be guided by the principle of equality under the law. Equality under the law is distinct from the application of the same law to disparate road user groups with vastly different capabilities and vulnerabilities relative to one another; it demands that the law take into account the capabilities and vulnerabilities of road users, both inherently and relative to one another.

²⁴ Todd Alexander Litman, *Transportation Cost and Benefit Analysis: Techniques, Estimates and Implications (Second Edition)*, (Victoria Transport Policy Institute, 2009): <http://www.vtpi.org/tca/>

²⁵ Richard Campbell & Margaret Wittgens, *The Business Case for Active Transportation*, (Go for Green & Better Environmentally Sound Transportation, March 2004): http://thirdwavecycling.com/pdfs/at_business_case.pdfhttp://thirdwavecycling.com/pdfs/at_business_case.pdf

Part II: Recommended Reforms

1. Change the Name of the Act to be more Neutral

Recommendation 1

The name of the legislation should be made neutral as between different classes of road users. *Road Safety Act* is recommended. Variations on *Traffic Act* are common in the existing legislative landscape.

Rationale

At its core, the purpose of the *Motor Vehicle Act* is to promote safe use of roads. Its name should reflect that objective, and not emphasize motorists in particular.

2. General Rules

Classification of Road Users

Recommendation 2

Section 119(1) of the MVA be amended to include the definition “vulnerable road user,” meaning a pedestrian, the operator of a cycle, or the operator of a motorcycle.

Rationale

The present MVA classification scheme is as follows:

- **vehicles:** includes all vehicles *other than* human powered vehicles (thereby excluding cycles), motor-assisted cycles, vehicles that run exclusively on rails, and self-propelled mobile equipment.
- **motor-vehicles:** sub-classes of vehicles.
- **motorcycles:** another sub-class of motor-vehicles defined in s. 1 of the Act (such as buses, emergency vehicles, industrial utility vehicles, golf carts, farm tractors, etc.).
- **cycles:** includes motor-assisted cycles.*
- **pedestrians:** includes wheelchair users.*

* *Cycles* and *pedestrians* are defined in s. 119(1) only for the purposes of Part 3 of the Act.²⁶

The present classification scheme fails to acknowledge the vulnerability of certain road users and provides no legislative mechanism to account for vulnerability or the differences in capabilities that may be associated with such vulnerability.

Traffic injury and fatality research supports that pedestrians, cyclists and motorcyclists be unified into a class of *vulnerable road users*, with sub-classes for each.

²⁶ See section 1 and subsection 119(1) of the *MVA*, which contain the definitions applicable for the purposes of the Act and for the purposes of Part 3 of the Act.

A 2015 City of Vancouver study analyzing ICBC data reported that although “vulnerable road users only accounted for approximately 3% of reported collisions in Vancouver between 2007 and 2012, these users accounted for approximately 80% of fatalities over this period.”²⁷

Adding a definition for “vulnerable road user” acknowledges the scientific research, and allows for consideration of the particular capabilities and vulnerabilities of these road users relative to other classes of users.

Definition of a Cycle

Recommendation 3

The definition of “cycle” in s. 119(1) of the Act be amended to provide that a “cycle” means a bicycle, tricycle, unicycle, quadracycle, or other similar vehicle, including ones that are power-assisted and require pedaling for propulsion, but excludes any vehicle or cycle capable of being propelled or driven solely by any power other than muscular power.

Rationale

The MVA currently defines a “cycle” in part by reference to what it is not: “a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skate board, roller skates or in-line roller skates.” Further, a “vehicle” as defined by the MVA in section 1, excludes a “cycle.”

Prior to the introduction into the MVA of a definition for “cycles,” BC law tended to treat bicycles as “vehicles”.²⁸ The definition has been amended several times. In 1975, the term “cycle” replaced “bicycle”, expanding the definition to include human powered devices with any number of wheels. In 1995, skateboards, roller skates and inline skates were excluded from the definition of cycle.²⁹ In 2002, the definition of cycle was expanded to encompass “motor-assisted cycles”.³⁰

Other jurisdictions have adopted definitions that avoid exclusions. The recommended definition is modeled on the definition of “cycle” adopted by the City of Toronto.

Motor Assisted Cycle

Recommendation 4

²⁷ *Vancouver Cycling Report 2015*, *supra* note 10 at 3.

²⁸ *Best v. Lefroy*, 1922 CarswellBC 150, 67 D.L.R. 455, and *R. v. Justin*, [1893] O.J. No. 52. Note that although cycles are not “vehicles”, an operator of a cycle is still governed by the rules of the road per section 183, discussed below, which extends the same rights and duties to operators of cycles as drivers of vehicles.

²⁹ SBC 1995 c. 43, s.9.

³⁰ SBC 2000 c. 16 s.4 (BCReg. 150/2002).

Alter the definition of “motor assisted cycle” at s. 1(d) of the Act by changing the *Motor Assisted Cycle Regulation*, BC Reg. 151/2002 to state that a motor-assisted cycle does not include a cycle which can be propelled by an auxiliary motor without the use of human muscular power. Weight limitations for motor-assisted cycles should also be considered. The classification and regulation of self-propelled electric two-wheeled vehicles should be studied to ensure safety objectives are met for this road user group.

Rationale

“Motor assisted cycles” (“MACs”) were incorporated as a sub-class of “cycles” in 2002.³¹ The *MVA* defines a MAC as a device with pedals or hand cranks for human power.³² Section 182.1 of the *MVA* prohibits persons under 16 from operating a MAC and provides authority to ICBC to make regulations regarding device specifications (i.e. motor power), operator criteria and equipment.

The original reason for incorporating MACs into the *MVA* was to regulate electric-assist bicycles, sometimes called *pedelecs*, and to encourage people to commute by more environmentally friendly and healthy means.³³ Classification of a MAC as a “cycle” for the purposes of the *MVA* permitted their use of cycling infrastructure and required MACs to conform to the rules applicable to human-powered bicycles.

The central characteristic of an electric-assist bike is that the electrical power *assists* the cyclist: when pedaling stops, propulsion stops. The *Motor Assisted Cycle Regulation*, BC Reg 151/2002, contains the bulk of criteria for MACs, including power output and speed limitations. The *Regulation* does not, however, require the use of human power to propel the cycle. As such, the *MVA* and the *Regulation* are overbroad in classifying self-propelled electric two-wheeled vehicles as “cycles”.

There are safety risks associated with self-propelled two-wheeled vehicles (“E-bikes”) using infrastructure designed for traditional bicycles, which risks are not presented by electric-assist bicycles or *pedelecs* sharing traditional bicycle infrastructure. E-bikes may be significantly wider and heavier than *pedelecs*. The width and weight of *pedelecs* are comparable to the width and weight of a traditional bicycle: a typical *pedelec* weighs approximately 25 kg and has a normal width. Some E-bikes weigh in excess of 130 kg. Further, some scooter-style E-bikes have pedals protruding from an already wide body.

The width of some E-bikes is problematic due to the narrow traditional bicycle lanes and the absence of dual or passing lanes for bicycles. A heavy and wide-bodied E-bike sharing a separated bicycle path with traditional bicycles puts both users at risk.

The jurisprudence further muddies the legal landscape in respect of scooter-style E-bike vehicles. The *Regulations* require a MAC to have pedals, regardless of whether they are necessary for propulsion. But the pedals only make the E-bike wider, offering less clearance and safety. A scooter user who removes the pedals and improves safety by

³¹ Section 182.1 of the *MVA* was added, along with a definition for “motor assisted cycle” at s.1 and a change to the definition of “cycle” at s. 119, via the *Motor Vehicle Amendment Act, 2000*, SBC 2000 c.16. This came into force on June 21, 2002 (BC Reg 150/2002). See also the *Motor Assisted Cycle Regulation*, BC Reg. 151/2002.

³² Section 1, definition of “motor assisted cycle”, paragraph (a).

³³ British Columbia, Legislative Assembly, *Hansard*, (June 8, 2000) at 1415 (Ms. J. MacPhaill).

narrowing the body of the scooter actually transforms the scooter *back* into a motor vehicle, rendering it subject to licensing and insurance. This anomalous result was remarked upon by the BC Supreme Court:

Perhaps the regulations would benefit from a review. Judicial Justice Blackstone commented in her reasons on the uncertainty surrounding legal uses of MACs, mentioning her reading about related concerns in a Vancouver Province newspaper article. Although the MAC Regulation in my view is clear, given the possible validity of safety concerns relating to pedal placement, the increasing numbers of scooters of various kinds travelling public roads in BC communities and the fact there appears to be some uncertainty surrounding the legal definition of MACs, a review could benefit the public, and the operators of MACs in particular[...].³⁴

BC regulations cap the power output of a MAC at 500 watts, approximately double that of other jurisdictions that have regulated MACs.

Electric-assist cycle regulations in Toronto and Europe require power-assisted cycles employ human power for propulsion:

- Toronto defines a bicycle to include a bicycle, tricycle, unicycle, and a power-assisted bicycle which weighs less than 40 kilograms and requires pedaling for propulsion (“pedelec”), or other similar vehicle, but excludes any vehicle or bicycle capable of being propelled or driven solely by any power other than muscular power.³⁵
- The European Union defines “pedelecs” as “cycles with pedal assistance which are equipped with an auxiliary electric motor having a maximum continuous rated power of 0.25 kW, of which the output is progressively reduced and finally cut off as the vehicle reaches a speed of 25 km/h, or sooner, if the cyclist stops pedaling”³⁶. The EU regulations further restrict the weight of pedelecs to no more than 40 kg.

The 50 states in the US have at least 47 different ways of regulating electric bikes and scooters.³⁷ Victoria, Australia, as of May 30, 2012, now has an additional category for e-bikes that meet the EU criteria with “pedelec” motor power output restricted to 200 watts.³⁸

The recommendations propose that BC distinguish between *pedelecs* and *self-propelled cycles*. Pedelecs should have an auxiliary motor that cannot exclusively propel the cycle without human power. A MAC that is included as a “cycle” for the purposes of the Act should denote a cycle that requires pedaling in order to engage the power-assist. In addition, weight limitations on MACs should be considered. Finally, the classification

³⁴ *R. v. Rei*, 2012 BCSC 1028 at para. 21 (emphasis added).

³⁵ *Toronto Municipal Code*, ch. 886.

³⁶ Directive 2002/24/EC, Article 1 (h).

³⁷ <http://pedelec.com/taipei/lectures/pdf/USA.pdf>.

³⁸ *Road Safety Road Rules 2009*, S.R. No. 94/2009.

and regulation of self-propelled electric two-wheeled vehicles should be further studied to ensure that safety objectives are met for this road user group.

Due Care and Attention/Reasonable Consideration

Recommendation 5

The MVA be amended to clarify that all persons on a highway must pay due care and attention, all persons on a highway must operate with reasonable consideration for other persons on the highway, and in both cases, having regard to whether other persons on the highway are vulnerable road users. It should remain an offence for the operator of a motor vehicle to contravene the due care and reasonable consideration rules, as well as the rule prohibiting the operation of a motor vehicle at excessive speed for the conditions.

Rationale

Due care and attention requirements are scattered throughout Part 3 of the Act:

- Section 144 prohibits the operator of a motor vehicle from driving without due care and attention, without reasonable consideration for other persons using the highway and at a rate of speed that is excessive for the road and weather conditions.
- Section 181 imposes additional rules specific to motorist interactions with pedestrians where the motorist has the right of way: the motorist must, *inter alia*, exercise due care to avoid collision with a pedestrian on the highway and observe proper precaution if the pedestrian is a child or apparently incapacitated.
- Subsection 183(14) prohibits the operator of a cycle from operating the cycle without due care and attention and reasonable consideration for others using the highway or the sidewalk, as the case may be.

The current due care and attention rules has gaps. For example, a child riding a bicycle is not clearly covered by s. 181.

The proposed amendment would clarify that all persons on a highway have a duty to pay due care and attention and give reasonable consideration to others using the highway—and that regard should be had where there are vulnerable road users.

Municipal Speed Limits

Recommendation 6

The MVA should be amended to empower municipalities to adopt a default speed limit for unsigned highways within municipal boundaries, by bylaw and posting of signs at the municipal boundary.

Rationale

The default speed limit for highways under s. 146(1) of the MVA is 50 km/h. If a municipality wishes to reduce the speed limit on a particular street, it may do so under s. 146(6) and (7). However, the process is cumbersome: the municipality must pass a bylaw and erect signage on each street or block thereof to which the limit will apply.

The present system requires a municipality to commit substantial resources in order to adopt a municipal-wide default speed limit that differs from the provincially mandated 50 km/h.

50 km/h may not be appropriate for all municipalities. Heavily urbanized municipalities may benefit from lower default speeds. Municipalities should be empowered to adopt appropriate default speed limits without the necessity of signing every block. The MVA can be amended to provide municipalities with the power to adopt a default speed limit for highways within municipal boundaries by bylaw and erection of signage at municipal entry and exit roads.

Default Speed Limit on Local Streets

Recommendation 7

A default provincial speed limit of 30 km/h for local (no center line) streets should be included in the MVA, with municipalities enabled to increase speed limits on local streets on a case-by-case basis by bylaw and posted signage.

Rationale

The province should adopt a reduced default speed limit for local streets without center lines (mainly residential streets). Enabling provisions would allow for higher speed limits on particular streets or portions thereof.

Local streets are the backbone of transportation networks in municipalities, providing access through our residential neighbourhoods. Traffic speeds on residential streets were the fourth top concern expressed in a survey of 4,020 Canadians conducted in 2013 by the Canadian Automobile Association.³⁹ A recent study measured driving speeds on several hundred randomly selected local streets and found that the 85th percentile was 37 km/h and the median 31 km/h, demonstrating that even 40 km/h on residential streets is widely found to be too fast for the conditions. A local street speed limit of 30 km/h would establish this guidance formally.⁴⁰

It is well-established that lower vehicle speeds reduce collision risk. Drivers and other road users have more time to react and stopping distance is reduced. Injury severity in the event of a collision is reduced because force is exponentially reduced with lower speeds of impact.⁴¹ These benefits accrue to all road users, including bicyclists, pedestrians, motorcyclists, and motor vehicle occupants. The BC Cycling Coalition has published some key statistics online.⁴²

³⁹ <http://www.caa.ca/top-10-canadian-driver-safety-concerns/>.

⁴⁰ *Supra* note 19.

⁴¹ World Health Organization, *World report on road traffic injury prevention*, (2004) at 78: <http://apps.who.int/iris/bitstream/10665/42871/1/9241562609.pdf>.

⁴² British Columbia Cycling Coalition, *Slow Down and Save Lives – 30 is the New 50*, online: <http://www.bccc.bc.ca/slow-down-and-save-lives-30-is-the-new-50>.

Speed limits of 10 to 30 km/h are standard in residential neighbourhoods of northern European countries with overall traffic fatality rates one-half of rates in British Columbia. Lower default speed limits on local streets have other benefits too. They provide an incentive for motor vehicle traffic to move directly to collector and arterial streets, reducing neighbourhood traffic volume, noise and air pollution.

Providing for a 30 km/h default speed limit for local streets at the provincial level provides three related benefits:

1. it makes streets safer for everyone, including motorists,
2. it provides province-wide consistency with respect to expected speeds on such streets, and
3. it relieves municipalities of the financial burden of installing signs on each block of residential streets to indicate lower speed limits on local streets as opposed to arterials.

Based on the available evidence, and the exponential reduction of severe injuries from lower speeds, “Vision Zero” requires this recommended reform.

3. Rules Relating to Motor Vehicle–Bicycle Interactions

“The same rights and duties as the operator of a vehicle”

Subsection 183(1) of the MVA imposes motorists’ rights and duties on cyclists. The imposition of motorists’ rights and duties upon cyclists initially occurred with the passage of the 1957 Act. Although the rule has been renumbered several times, the content of the rule has not substantially changed.⁴³

Subsection 183(1) is partly to blame for the elliptical and confusing structure of the Act in respect of cyclists. Although the operator of a cycle has the same rights and duties as the operator of vehicle, yet a cycle is not a “vehicle” according to section 1 of the Act.

More importantly, the rule fails to consider critical differences between motor vehicles and cycles, and as a result, imposes a system of rights and duties that may be inappropriate and unsafe in application to cyclists and that lead to inequitable results in the event a cyclist suffers injury.

Bicycles generally cannot accelerate as quickly as motor vehicles, typically operate between 10 and 40 km/h, and cannot stop as quickly. Although a cyclist has significantly less mass and less momentum than a motor vehicle, which means they may stop more quickly than a vehicle *if they fall onto the road surface*, bicycles must stay balanced and have less powerful brakes. Debris or road features such as cracks in the road surface, railway tracks and smooth metal construction plates, which pose no hazard for a motor vehicle, may pose a significant hazard to the operator of a cycle. A person cycling is extremely vulnerable relative to motor vehicles and also vulnerable (though not relatively so) in relation to potential collisions with other cyclists or pedestrians, all of which affect cycling behaviours.

⁴³ The rule was initially enacted as s. 166 of the 1957 Act. In 1960, s. 166 was renumbered to s. 173, and in 1979 this critical section for cyclists became s. 185.

Case Study

Joginder is cycling to work. There is only one road with twin lanes heading west out of her neighbourhood to take her downtown. As the road leaves the neighbourhood, the lanes separate—the right lane becomes the highway on-ramp and left lane passes underneath a highway overpass. The underpass lane is narrow and bounded by concrete supports and a raised median. In order to safely navigate the underpass lane, Joginder must move from the outside of the right lane to the middle of the left lane, requiring her to merge twice with vehicular traffic, at approximately the same time that drivers in both lanes are changing lanes depending on their destination and drivers in the right lane are accelerating to enter the highway. Many cyclists simply use the sidewalk to navigate the underpass, even though it is against the law.

In BC, there is no requirement for a driver to yield to a merging vehicle. The vehicle in the lane has the right of way and it is the merging vehicle that must execute the merge safely. The rule applies whether or not the merging vehicle is a vulnerable road user who may not be able to achieve vehicle speeds. On her bike, Joginder must rely on the voluntary goodwill of drivers to slow down enough to “let her in” in order to accomplish both merges safely, every day that she cycles to work. If a driver refuses to “let her in,” she may run out of road before she can merge safely, but if she slows down too much to avoid running out of road too quickly, no one will “let her in” at all.

Given the chance, Joginder will (cautiously and yielding to the rare pedestrian) run the red-light at the T-intersection in advance of the lane split, in order to seize a window of car-free space to safely make the lane changes without having to rely on the uncertain goodwill of drivers. While this maneuver is unquestionably safer, it is also illegal.

This illustration about merging with vehicular traffic is but one example of how the capabilities of bicycles relative to motor vehicles affects traffic behavior in an unequal manner. The jurisprudence suggests that the blanket rule in s. 183 most often operates to the detriment of cyclists. This is not a surprising result in light of the roads themselves and the rules of the road having been designed for motor vehicles. Numerous examples are set out in other sections, as they arise in respect of specific rules which are applied to cyclists on the basis of s. 183(1).

In order to achieve equality under the law, different road users’ capabilities and vulnerabilities must be taken into account. This includes the rules of the road that s.183(1) applies broadly, and in some cases without subtlety, to cyclists. To that end, rules designed for motorists but applied to cyclists should be modified as circumstances require to account for a cyclist’s relative capabilities and vulnerabilities.

Safe Passing Distance

Recommendation 8

The MVA be amended to specify that a motor vehicle must leave at least 1 m between all parts of the vehicle (and any projecting objects) when passing a cyclist or other vulnerable road user at speeds of 50 km/h or less and at least 1.5 m at speeds in excess of 50 km/h.

Rationale

A one metre safe passing distance for cyclists is recognized as a minimum safe passing distance.⁴⁴ Safe passing distances have been specified by over 27 jurisdictions in North America,⁴⁵ including Ontario⁴⁶ and Nova Scotia.⁴⁷ The city of Montreal released recommendations in September of 2015 for consideration by Québec; the recommendations included a 1 m safe distance law.⁴⁸

A cyclist can do little to avoid a hit from behind, and an objective, easy to estimate minimum passing distance is better than a subjective standard of safe driving behavior for much the same reason that a maximum speed limit is.

Not only does the *MVA* not currently define a minimum passing distance for motorists overtaking cyclists, there is some confusion as to whether the language of s. 157 of the Act even applies to passing cyclists.

Section 157 states that an overtaking vehicle “must cause the vehicle to pass to the left of the *other vehicle* at a safe distance.” Bicycles, however, are not “vehicles” by definition under the Act at s. 1. The somewhat elliptical language and structure of the Act makes it unclear, but it is at best arguable that because a cyclist has the same rights as the operator of a vehicle, under s. 183(1), a cyclist has the right to be passed “at a safe distance.”

In any event, even where courts have accepted that motorists have an obligation to pass cyclists safely,⁴⁹ what constitutes as a *safe* passing distance remains unclear.

Case Study

Ms. Patterson’s car collided with Ms. Dupre’s bicycle while her car was trying to pass. Ms. Dupre, the plaintiff cyclist, testified that the car simply passed too closely and struck her handlebars. She was thrown from her bike and injured. Ms. Patterson, the defendant motorist, testified that she left “lots of clearance” when passing Ms. Dupre.

⁴⁴ Rod Katz et al., *Amy Gillett Foundation submission to ACT Parliament Inquiry into Vulnerable Road Users*, (Amy Gillett Foundation, October 2013) [*Inquiry into Vulnerable Road Users*]: http://www.parliament.act.gov.au/_data/assets/pdf_file/0004/516496/42_Amy-Gillett-Foundation2.pdf. This is an excellent overview of the rationale for a one-meter overtaking rule in the context of an Australia campaign to legislate this distance.

⁴⁵ *Ibid.* In the US, 25 states set a minimum distance: 23 states have implemented a 3 ft (.91 meter) lateral distance rule for cars overtaking cycles; Pennsylvania requires 4 ft; and Virginia requires 2 ft. A further 19 states have no set distance requirement, but nonetheless dictate that drivers allow a safe distance when overtaking cyclists.

⁴⁶ In 2015 the Ontario Legislature passed the *Making Ontario’s Roads Safer Act* (full title, *Transportation Statute Law Amendment Act (Making Ontario’s Roads Safer)*, SO 2015 c.14) which brought a safe passing distance law into force on September 1, 2015.

⁴⁷ The Nova Scotia *Motor Vehicle Act* RSNS 1989, c. 293 was amended in 2010 to include a safe passing distance of 1 m: SNS 2010, c. 59, s. 10.

⁴⁸ See “Cycling Safety Recommendations: What the City Wants” *CBC News* (September 21, 2015), online: <http://www.cbc.ca/news/canada/montreal/cycling-safety-recommendations-what-the-city-wants-1.3237064>

⁴⁹ See *Dupre v. Patterson*, 2013 BCSC 1561. The Court did not consider the argument that a vehicle does not include a bicycle.

Defence counsel's case theory was that Ms. Dupre swerved and collided with the side of Ms. Patterson's car. The Court's remarks implicate the problems with subjective interpretations of drivers and the lack of clarity in the Act as to safe passing distance:

"I do not know what she means by 'lots of clearance.' What she believes is 'lots of clearance' may in fact be completely inadequate."

The judge found the motorist at fault and concluded the accident did not occur as a result of Ms. Dupre failing to ride as near as practicable to the right side of the highway.

There is a general consensus among those jurisdictions that have specified safe passing distances that 3 ft. (if imperial) or 1m (if metric) is an appropriate minimum distance.⁵⁰

The proposed amendment would provide clarification that a motorist has a duty to leave a safe passing distance when passing a cyclist as well as definitive guidance on the minimum such distance. This avoids subjective assessments by motorist as to what constitutes a safe distance, and provide an objective standard for enforcement.

"As far to the right as is practicable"

Recommendation 9

Amend s. 157 (2) of the MVA to exempt cyclists from a duty to give way to the right when a vehicle seeking to overtake the cyclist sounds its horn.

Section 183(2)(c) of the MVA should be amended to clarify that a cyclist shall ride as near as is safe to the right side of the right-most through-lane, except:

- when travelling with the normal flow of traffic on the highway,
- on a roadway with no center line,
- on a lane that is too narrow for a cycle and a vehicle to travel safely side by side within the lane,
- on a laned roadway on which traffic is restricted to one direction of movement, at which time a cyclist may ride as near as is safe to the left side of the left-most through-lane,
- if the right-most through-lane is obstructed by cycles or vehicles turning right and the cyclist first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle,
- when overtaking and passing another vehicle or cycle proceeding in the same direction and first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle,

⁵⁰ A 2003 study by the City of Toronto found that 12% of collisions occurred when motorists overtook cyclists: City of Toronto, *Bicycle/Motor-Vehicle Collision Study*, (Works and Emergency Services Department, 2003): https://www1.toronto.ca/city_of_toronto/transportation_services/cycling/files/pdf/car-bike_collision_report.pdf. A separate analysis of overtaking maneuvers between motorists and cyclists showed that a one-metre distance is entirely in keeping with regular movements, and that the average passing distance on two-lane roads without bike lanes was 1.339 meters, while on four-lane roads without bike lanes it was 2.911 meters: Kushal Mehta, Babak Mehran & Bruce Hellinga, "An Analysis of the Lateral Distance Between Motorized Vehicles and Cyclists During Overtaking Maneuvers." *Transportation Research Board 94th Annual Meeting*. No. 15-2150. 2015.

- when preparing for a left turn at an intersection or into a road or driveway and first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle, or
- if avoiding an obstruction on the highway that makes it unsafe to continue along the right side of the right-most through lane and the cyclist first ascertains that the movement can be made with safety and without affecting the travel of any other vehicle.

183(4) should be repealed.

Rationale

Section 183(2)(c) of the MVA requires cyclists to ride as far to the right as “practicable” on a highway, however no explicit guidance is provided as to the meaning of “practicable” within the MVA.

While courts have determined what is “practicable” for non-cyclists⁵¹—For example s. 150 of the Act states that all vehicles must confine their course to the right hand half of the roadway if it is *practicable*—it is not as clear for cyclists. Traditionally, evidence will show what was practicable in the circumstances, although it may not be determinative of negligence.⁵²

If, when applied to cyclists, the term “practicable” is intended to impose a duty to stay as far to the right as is safe for the cyclist, then that is not clear in the language. If the term could be interpreted as imposing a duty for cyclists to stay as far to the right as is physically possible given the topography of the highway, then the duty conflicts with safer cycling practices. The risk of *dooring*, for example, is increased when cyclists travel too far to the right. Doorings are the number one key safety issues for cyclists in Vancouver, according to the City, and the most common type of cycling collision with motor vehicles reported in Vancouver.⁵³

It is not as clear for cyclists how the term “practicable” applies to them. There is already the distinction that cyclists need keep to the right of a *highway* (which includes the shoulder) whereas motorists to the more defined surface of the *roadway* (which does not include the shoulder).

Furthermore, what is “practicable” to an experienced cyclist may not be at all obvious to a person with insufficient cycling experience. Cyclists are likely to bear a disproportionate burden in bringing expert evidence to settle questions of what is “practicable” in relation to safer cycling practices.

Best cycling practice includes riding only so far to the right as removes the risk of collision with vehicular traffic travelling in the same direction while:

1. avoiding the “door zone” of parked cars,
2. avoiding debris or road surface conditions that may cause the cyclist to lose control (such as sharply recessed drainage gratings), and

⁵¹ *Price v. Hunter*, 36 BCLR (3d) 304 and also *Tang v. Rodgers*, 2011 BCSC 123.

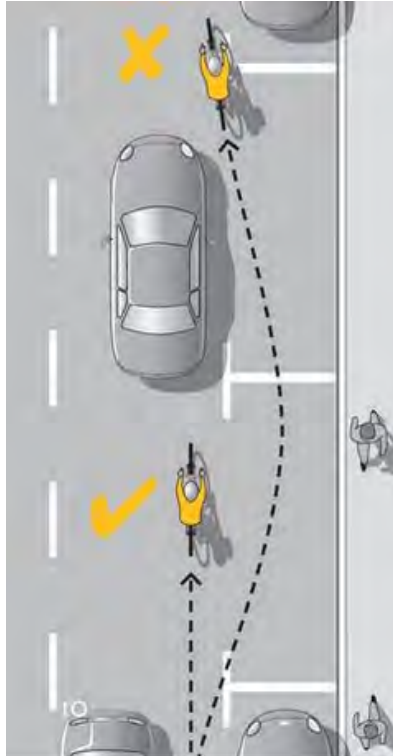
⁵² *England (Next friend of) v. Hoffman*, [1976] B.C.J. No. 702.

⁵³ *Vancouver Cycling Report 2015*, at 106.

3. maintaining position within the natural line of sight of vehicle traffic so as to be seen.

Case Study

Where parked cars are regularly spaced, cyclists should maintain lane positioning to the left of parked cars, within the natural sight-line of vehicular traffic travelling in the same direction, rather than swerving in and out between parked cars (note the lane positioning of the two cars that are in motion).



Where parked cars are infrequently spaced, cyclists should use the “checkmark” method of lane-positioning to maximize distance between themselves and vehicular traffic travelling in the same direction while ensuring they are riding within the natural sight-line of motorists where they might be in closer proximity/passed.

The proposed amendments will clarify the practicable scenarios for staying to the right of vehicular traffic, and aligning the law with safer cycling practices.

If the amendments are adopted, a separate rule governing cyclist behavior when making left-hand turns is not required. The amendments will also clarify that cyclists are not required to yield by moving farther right than is safe in response to a honking motorist.

Passing on the Right

Recommendation 10

Amend the s. 158 of the MVA to clarify and expand when cyclists may pass on the right, by:

- clarifying s. 158 to state that when a cyclist travels to the left of parked vehicles in the right-most marked lane of a laned roadway, that this is an “unobstructed lane” where the cyclist is permitted to travel for the purposes of s. 158 (1)(b),
- exempting cyclists from the prohibition on using the shoulder at s.158 (2)(b), and
- adding exceptions to the general rule against passing on the right at s.158 (1)(a) to (c):
 - where the driver is a cyclist, and where the highway is free from obstructions and is of sufficient width for the cyclist to pass to the right of vehicular traffic,
 - where the driver is a cyclist, and there is space marked or lane designated for bicycle traffic,
 - where the driver is a cyclist using a sidewalk where cycling is permitted, and
 - where it is necessary for a cyclist to access a cyclist-controlled signal button.

Rationale

Cyclists have the same rights and duties as motorists by reason of s. 183(1). This means they are subject to the s. 158 prohibition against passing on the right. Section 158 is substantially the same today as it was in 1957.⁵⁴ Three exceptions exist to the general *no passing on the right* rule:

- where the overtaken vehicle is signaling an intention to turn left,
- where the overtaking vehicle has its own separate, marked, unobstructed lane, and
- where the two vehicles are on a one-way street travelling in the same direction and the road is sufficiently wide for two lanes of travel (even if the lanes are not marked).

Even where an exception applies: subsection (2)(a) requires passing on the right only be attempted when it is “safe”; and under no circumstances can the shoulder be used according to subsection (2)(b). This last condition is particularly ironic for cyclists, given

⁵⁴ *Motor-Vehicle Act*, SBC 1957 c. 39, s. 141.

that at all other times cyclists are expected to use the right-most portion of the highway, which generally is a paved shoulder, under s. 183(2)(c).⁵⁵

The law as presently written puts cyclists in some untenable positions.

Because cyclists are required to ride as far to the right as practicable they are typically lane-positioned to the right of vehicular traffic. This means that cyclists who wish to pass a stopped or slower moving motorist are, by law—and if there is no separate unobstructed lane on the right—effectively required to:

1. “take the lane”⁵⁶ behind the stopped or slowing vehicle, then
2. pass on the left, which will require either occupying the oncoming vehicle lane or merging with traffic travelling in the same direction in a further left lane.

These maneuvers can be dangerous, as the associated risks are rear-ending and full frontal collision.⁵⁷

The jurisprudence complicates matters insofar as what constitutes an “unobstructed lane” of travel for a cyclist. If a cyclist is riding in the marked curb lane of a laned roadway, the case law says this is an “unobstructed lane” for the purposes of s. 158(1)(b), even if there are parked cars.⁵⁸

However, a cyclist riding along to the right of stopped traffic in an unmarked lane with parked cars appears to be in breach of s. 158.⁵⁹ This is further complicated by the presence of marked bike lanes and *sharrows*, which have no clear legal import with respect to whether they are markings that create an “unobstructed lane” of travel for the purposes of s. 158 of the MVA.

If there is only a single lane of travel in one direction on a two-way street, the cases interpreting s. 158 require a cyclist to either wait for a stopped vehicle to continue moving, dismount and become a pedestrian to walk along the shoulder, or undertake a potentially risky passing maneuver in the oncoming lane.⁶⁰

In recent years, s. 158 has been instrumental in findings of contributory negligence against cyclists. This includes defeating their actions entirely.⁶¹

⁵⁵ Section 158’s interoperation with the definitions of “highway” at s. 1 and “roadway” at s. 119 create this oddity. A cyclist is required to ride as far to the right of the highway as practicable per s. 183(2)(c), and a shoulder is a part of a “highway”. Section 183(3) does not require a cyclist to drive on unpaved highway, but riding the paved shoulder is apparently required. Once on the paved shoulder, the cycle may not pass cars on the right, however, since being on the shoulder is leaving the roadway and prohibited by s. 158(2)(b) for passing maneuvers.

⁵⁶ See *MacLaren v. Kucharek*, 2010 BCCA 206.

⁵⁷ Moreover, under BC law, it is the driver merging who bears the duty of doing so safely – there is no requirement for other drivers to “let someone in.” This is particularly problematic for cyclists in urban environments with heavy traffic flows, who are reliant upon driver goodwill to merge safely on account of their extreme vulnerability to injury in any collision.

⁵⁸ *Jang v. Fisher*, 1990 CanLII 2147 (BCCA).

⁵⁹ *Kimber v. Wong*, 2012 BCSC 783. See also the Court’s remarks in *Dupre v. Patterson*, 2013 BCSC 1561.

⁶⁰ *Ormiston v. ICBC*, 2012 BCSC 665, reversed 2014 BCCA 276.

⁶¹ Again, see *Ormiston v. ICBC*, 2012 BCSC 665, reversed 2014 BCCA 276.

Case Study

A van passed a cyclist on a divided rural road with one lane each direction. A little ways on, the van slowed down in its lane, almost coming to a stop. The cyclist—a youth—attempted to pass the van on the right using its lane rather than pass on the left in the lane for oncoming vehicles. As the cyclist was passing, the van unexpectedly maneuvered to the right, towards the unpaved shoulder. This forced the cyclist to the shoulder and off a steep embankment. The cyclist was severely injured. The van did not remain on scene and the driver was as only named as John Doe. At trial, the judge found the van to be 70% liable and the cyclist 30% liable: the driver should have checked for the cyclist, as the driver would have been aware of the cyclist’s presence as a result of having just passed him. The trial judge observed⁶²:

“It seems very odd to me to lump cyclists with motorists. Anyone with a passing knowledge of cycling and driving can appreciate that in certain situations a cyclist could safely perform maneuvers that are prohibited under the Motor Vehicle Act.”

“If he can’t pass on the right then presumably he has to negotiate a pass on the left which would expose him to oncoming traffic, a much more dangerous move on this winding road than passing on the right.”

The trial judge also observed that the simple act of dismounting from his bicycle and walking it past the vehicle would have transformed the cyclists from a “motorist” to a pedestrian under the Act, permitting entirely different conclusions with respect to the duty owed by the driver.⁶³

The BC Court of Appeal overturned the result and dismissed the cyclist’s claim entirely. But the three-justice panel was not unanimous in doing so. Two justices found the cyclist to bear 100% liability on the basis that he had contravened the MVA rules against passing on the right. The third justice agreed with the trial judge that the van driver should have been alert for the cyclist, having just passed him before stopping the van.

The appellate justices did not agree on what was the proper analysis nor did they agree on the proper result. The case highlights the need for greater clarity in the law with respect to passing on the right.

Where there is room to maneuver, passing on the right is at times the safest option for cyclists. The alternative requires taking a lane—an inherently more dangerous move in the urban environment—and then passing on the left where traffic is faster and collision with oncoming vehicles more likely.

⁶² *Ormiston v ICBC*, 2012 BCSC 665, paras. 30 and 31.

⁶³ Note, however, that a pedestrian on a highway must not walk with the direction of highway traffic, but against it on the extreme left (s. 182(2)).

Cyclists should always make the safest choice—and sometimes this will require stopping and waiting. But they should also have all of the safest options left open to them.

As it stands, cyclists choosing to pass a stopped car on an unmarked roadway can select between:

1. obeying the letter of the law and putting themselves in danger by taking a lane and passing on the left, or
2. adopting a safer cycling practice in contravention of the law which could prejudice them in the event of a collision.

There is another way that s.158 encourages unsafe choices. Because cyclists in marked unobstructed lanes have the legal right to filter in the right lane beside parked cars, this tends to encourage cyclists onto arterial routes that have more lanes. This puts cyclists on busy roads—where they have greater risk of injury—rather than local street routes with no marked lanes—where they have less risk of injury.⁶⁴

Passing laws should be clarified for cyclists, and the allowances for passing on the right should be expanded in recognition of their natural lane positioning and vulnerability when trying to ensure a safe merge and pass on the left. The amendment would not reward careless behavior by cyclists, since the language of s. 158(2)(a) still requires any movement to pass must still be “made safely.”

Rights of Way

Confusion over right of way contributes to collisions between cyclists and motorists. In a surprising 46% of reported motorist-cycle collisions in Vancouver City the right of way was inconclusive. Where it could be determined, the cyclist had the right of way in 93% of cases.⁶⁵

The data is easily explained: by far, the most common type of collision involving right of way confusion was one in which the motorist was turning and the cyclist was travelling straight through an intersection (i.e., “right hooks” and “left crosses”). Collisions at traffic circles and sidewalk cycling collisions mid-block at driveways and end-of-block at intersections were also identified as common problem areas. Cyclists confirm these findings through their riding experiences.

Recommendation 11

Sections 165, 166 and 167 of the MVA should be amended to provide that a motor vehicle must yield to a through-moving cycle or other vulnerable road user when turning. Portions of the right-hand turn rule requiring motorists to position their vehicle at the extreme right edge of the highway should be repealed, or alternatively amended to prevent doing so when it would obstruct the travel of a person operating a cycle.

⁶⁴ Teschke et al., *supra* note 19 cites the odds ratio of injury on local street routes with parked cars to be roughly half of the odds ratio of injury on major street routes with parked cars.

⁶⁵ Metro Vancouver News summarizes the data set out in the *Vancouver Cycling Report 2015*, *supra* note 10, here: <http://www.metronews.ca/news/vancouver/2015/05/12/vancouver-drivers-at-fault-in-93-of-collisions-with-bicycles-city-report.html>

Rationale

Section 165 deals with the rules for motorists turning at intersections and reads closely to what it did in 1957.⁶⁶ Sections 166 and 167 deal with turning at places other than intersections. None of these three sections clarifies rights of way where motorists are turning across through-moving cycle traffic.

Left cross: A cyclist's right of way when travelling through an intersection is clear against a motorist turning left across the intersection. The problem is largely visibility. A cyclist is required by law to stay to the right of the roadway where they are potentially obscured from view by larger through-moving vehicles and are outside the natural sight area of the turning driver. The problem may be exacerbated if the cyclist is in technical breach for passing on the right while travelling straight through an intersection.

Right hook: The right of way of a cycle travelling through an intersection where a parallel motorist is turning right is less clear. Roadways designed exclusively for motor vehicles did not present this conflict, as right turn lanes for motorists were simply not constructed to the left of through-lanes. However, separated, marked and *de facto* cycle lanes are generally at the right edge of the roadway, placing cyclist through-traffic in conflict with right-turning motorists.

Further, s. 165(1) and s. 167(a) require a right-turning motorist to position their vehicle "as close as practicable to the right hand curb or edge of the roadway" before turning. Motorists tend to position themselves at the right edge of the roadway in anticipation of a right turn even when it cannot be made immediately. This positioning is often in direct conflict with cyclist traffic.

Cases in BC show cyclists often share liability for "right hook" and "left cross" collisions regardless of their right of way—albeit to a lesser degree in "left cross" cases and to a greater degree in "right hook" ones. The basis of cyclist liability is the application of the *dominant/servient* driver legal principle—an analytical principle developed for motorist-motorist interactions that can negate a cyclist's right of way in cyclist-motorist collisions.

The dominant/servient analysis applied to "left cross" situations has resulted in findings that through-moving cyclists are partly responsible for the collision by failing to take evasive action, keep a look out⁶⁷ or ensure they were not visually obscured from left-turning traffic.⁶⁸ Cyclists have little to no control over much of these factors, given that their legislated place is at the right edge of the road where they are cut off from view.

⁶⁶ *Motor-Vehicle Act*, SBC 1957 c. 39, s. 148.

⁶⁷ *Pittman v Chia*, [1979] 3 A.C.W.S. 541 (BCSC), at para. 4: "The Plaintiff was an experienced bicyclist and it would not be asking too much of him to expect him to realize at all times that he faced the hazard of being imperfectly observed by motorists." Liability was apportioned 25% to the plaintiff.

⁶⁸ In *Hersh v. Stinson*, [1992] B.C.J. No. 1428 (SC) the cyclist plaintiff was found 50% at fault for not seeing the left turning vehicle which came across his lane to enter a driveway of a mobile home park; *Pacheco v. Robinson* (1993), 75 B.C.L.R. (2d) 273 (BCCA) reversed a finding by the trial court that the cyclist was contributorily negligent. See also *MacLaren v. Kucharek*, 2010 BCCA 206 rev'g 2008 BCSC 673 which involved a "left cross". In *Kimber v. Wong*, 2012 BCSC 783, the cyclist's statutory breach for passing on the right resulted in the effective denial of the right of way he would otherwise have as through-moving traffic against a vehicle turning left.

The same dominant/servient analysis in “right hook” cases has resulted in a high degree of liability apportioned to injured cyclists, especially where the cyclist is in technical breach of the prohibition against passing on the right. The dominant/servient driver analysis requires the through vehicle to be proceeding lawfully to avoid responsibility.⁶⁹ As discussed, many cyclists find that it is more dangerous to “take the lane” than to proceed in a more safe—albeit unlawful—manner.

The proposed reforms clarifying the duty to yield to through-traffic and removing the requirement for motorists to position their vehicles in conflict with cycle traffic will improve safety by targeting the problematic “left cross” and “right hook” scenarios while providing for more equitable outcomes in the event of injury or loss by a vulnerable road user in those scenarios.

Roundabouts and Traffic Circles

Recommendation 12

Subsection 150(3) of the MVA should be amended to provide that:

(a) The driver of a vehicle or cycle entering a roadway in or around a rotary traffic island or roundabout shall yield the right of way to traffic already on the roadway in the circle or approaching so closely to the entering highway as to constitute an immediate hazard; and

(b) The driver of a vehicle or cycle passing around a rotary traffic island or roundabout shall drive the vehicle in a counter-clockwise direction around the island or the center of the circle.

Further, standardized signage for rotary traffic islands and roundabouts that specifies the right of way should be adopted across the province.

Rationale

Municipalities have shown greater interest in the use of traffic circles and roundabouts in recent years. This interest appears to reflect the desire to replace 2-way stop intersections with other traffic calming measures (traffic circles) and to maintain greater traffic flow as compared to 4-way stop and traffic light controlled intersections (roundabouts).

Notwithstanding increasing interest in traffic circles and roundabouts, s. 150(3) of the MVA, which governs such facilities, has essentially not changed since it appeared in the 1957 legislation as s. 136(3). Subsection 150(3) simply states the “driver of a vehicle passing around a rotary traffic island must drive the vehicle to the right of the island.” This is the sole legislative guidance presently provided in respect of traffic circles and roundabouts.

⁶⁹ In *Nelson v. Lafarge Canada Inc.*, 2013 BCSC 1552 a brisk moving cyclist was overtaking a truck when it turned right and dragged the cyclist with it. 65% liability was apportioned to the cyclist. *Kimber v. Wong*, 2012 BCSC 783, is a “left cross” case but illustrates the issue with being in technical breach and how this affects the dominant/servient driver analysis.

An Australian report⁷⁰ says that while roundabouts improve safety by reducing speed and conflict points, safety benefits do not always extend to cyclists. Dutch research has reported similar findings—while roundabouts reduce crashes between motor vehicles, they increase risk to cyclists (and pedestrians) unless carefully designed. Research concludes cycling on the edge in roundabouts is dangerous because it puts cyclists and drivers at oblique angles at the multiple entry/exit points of the roundabout.

One strategy to solve this problem is cycling in the center of the lane in single-lane roundabouts. “C1 Roundabout” is a new single-lane roundabout design concept which provides cues to cyclists to move to the middle of the lane, which is where drivers are most likely to look. Dutch research shows that for both single and multiple lane roundabouts, the safest design is a physically separate outer ring for pedestrians and cyclists. This is essentially a “protected” roundabout intersection design and provides the benefit of putting pedestrians and cyclists perpendicular to motor vehicles at crossings.

With respect to traffic circles, cyclists report difficulty safely navigating such infrastructure with vehicular traffic. Because of the speed differential between a cyclist and a driver approaching a traffic circle, which generally requires drivers to slow but does not impede cyclist speed, it can be difficult to determine who has the right of way. Oblique sight lines are also problematic as are sight-lines obscured by plantings in the center of the traffic circle.

Case Study

The City of Vancouver installed a traffic circle at the intersection of Pine Street and West 10th Avenue as part of the 10th Avenue bikeway project in 2004. The intention was to calm traffic and increase safety for cyclists along the 10th Avenue designated cycling route. It had the opposite effect: collisions substantially increased between 2005 and 2012, based on ICBC data. In the seven years prior to installation there were no reported collisions. In the seven years following installation there were 17 reported collisions. The traffic circle was removed for cyclist safety in 2013.

Revisions to legislation should strive for consistency with safety-evidence-based roundabout designs and should clarify the rights of way in respect of both roundabouts and traffic circles. The proposed amendment would go some distance towards those aims, although future amendment may be required to the extent that evidence-based protected roundabout designs are implemented.

Red Traffic Arrows

Recommendation 13

⁷⁰ Bob Cumming, “A bicycle friendly roundabout: designing to direct cyclists to ride where drivers look.” *Proceedings of the fourth Australian Cycling Conference* (2012): <http://www.australiancyclingconference.org/images/proceedings/acc-2012-proceedings.pdf>

The MVA be amended to provide for the use of red arrow traffic signals to signify when a right-turning vehicle is prohibited from turning.

Rationale

Section 130 of the MVA provides for the use of green and yellow arrow signals.⁷¹ In both cases, the signals indicate when turning traffic that otherwise has a green or yellow signal has the right of way because all through traffic is stopped. Red arrows could similarly be used to indicate when right-turning traffic must not proceed because through moving traffic, including cyclists in a through lane, have the right of way.

The rationale for this recommendation is the same rationale set out above in relation to clarifying rights of way as between cyclist through-traffic and turning motorist traffic. The use of red arrow traffic lights can provide additional assistance to road users, clarifying when a right-hand turning vehicle must stop.

Rail Tracks and Cattleguards

Recommendation 14

Subsection 185(7) of the MVA be amended to require motor vehicles to give cyclists space to safely cross streetcar, railway tracks or cattleguards:

185(7) Unless a special facility is provided to allow cyclists to cross the track or guard safely without using the normally travelled portion of a highway, it is unlawful to pass the operator of a cycle within 1.5 metre of a railway, streetcar tracks or cattleguard crossing of the highway. This prohibition shall at all times be posted with a sign in advance of such railway, streetcar track or cattleguard crossing and shall be effective from the location of said sign to a point 30 metres beyond the railway crossing.

Rationale

Research shows that cyclists are especially at risk where streetcar or railway tracks are involved, with a 3-fold greater risk of injury.⁷² The width of a typical road bicycle tire, at approximately 1 to 1.5 inches, is sufficiently narrow to be caught in the flangeways alongside track rails. The problem is acute in traffic environments with streetcar tracks integrated into roadways.

The recommendation proposes to give cyclists adequate space to safely navigate the roadway near tracks or crossings to reduce the risk of falls and collisions.

Following too closely

Recommendation 15

Subsection 162(1) of the MVA be amended to provide that a driver of a vehicle must not cause or permit the vehicle to follow another vehicle or cycle more closely than is

⁷¹ British Columbia, Legislative Assembly, *Hansard*, (14 July 1987) at 2522 (Hon. Mr. Michael) — speaking to Bill 36, the *Motor Vehicle Amendment Act, 1987*.

⁷² Kay Teschke et al., *supra* note 19.

reasonable and prudent, having due regard for the speed of the vehicles, the amount and nature of traffic on and the condition of the highway, and having regard to whether the vehicle or cycle is a vulnerable road user.

Rationale

Subsection 162(1) of the MVA prohibits the operator of a motor vehicle from following another vehicle too closely, having regard to the traffic and road conditions. The rule has not substantively changed since it appeared in the 1957 legislation as s. 145(1).⁷³

As a cycle is not a “vehicle,” the rule does not clearly apply to motor vehicles following bicycles.

A review of the jurisprudence indicates that the rule has operated against cyclists without regard to their differential capabilities and vulnerabilities, and in particular, without regard to both the increased stopping distance that might be necessary for a motor vehicle to avoid hitting a cyclist who falls onto the road and without regard for a cyclist’s inability to brake as quickly as a motorist.

Case Study 1

Mae-Lin is cycling to a friend’s house for a barbecue. She “takes the lane” along a narrow stretch of roadway. A car is following behind her, at a reasonable following distance for a motor vehicle travelling the same speed. Mae-Lin’s front wheel hits a stone and she wobbles and abruptly loses speed. The car rear-ends her.

In the absence of special consideration for vulnerable road users, when a following vehicle collides with a leading vehicle, the court must be satisfied on a balance of probabilities that the collision did not occur because of the following driver’s negligence.⁷⁴

A following driver has no special obligations under the MVA in relation to vulnerable road users. A review of the BC jurisprudence reveals that where a rear-ending involves two motor vehicles, the following vehicle is virtually always at fault unless the leading vehicle stops suddenly and unexpectedly or has stopped in a location that prevents the following vehicle from seeing the leading vehicle until it is too late.

The case law in respect of cyclist rear-endings is quite different and may involve situations where cyclists are merging and therefore servient vehicles, are coming from a far right lane of travel, and are perhaps attempting to clear multiple lanes in order to make a turn. Where cyclist rear-endings are concerned, the fact of the collision itself will give rise to questions about how a cyclist came to be in the way of a faster moving motor

⁷³ Subsection (2) was changed to refer to metric (60 m instead of 200 ft.) with the *Motor-vehicle Amendment Act, 1977 (No. 3)*, SBC 1977, c.42. These provisions appeared as s. 153 in the 1960 revision, and later as s. 164 in the 1979 revision.

⁷⁴ *Titan Transport Ltd. v. Quik X Transportation Inc.*, [2007] 7 W.W.R. 536 (Man QB).

vehicle, and how the cyclist acquitted him or herself of the duties owed by servient drivers in the case of a lane merge.

In one recent case, the driver in the following vehicle struck the cyclist with the front driver side of the vehicle after the cyclist merged into the lane. The driver did not see the cyclist until collision was imminent, made no attempt to swerve and even gave no evidence at trial. Discovery transcript excerpts were read in by the plaintiff. The cyclist was dressed appropriately for visibility and had signaled, but was found to have been obscured from view. The Court found that, in light of the collision having occurred, it would need expert evidence to confirm the cyclist's judgment that it was safe to merge. In the absence of such evidence, the cyclist was found 100% liable.⁷⁵

It was notable that the defendant was able to defeat the plaintiff's case without testimony or positive defense. At a time when the cost of litigation exceeds the means of the majority of British Columbians, the need to bring expert evidence is a significant additional burden that is borne by vulnerable road users, perhaps more so than for plaintiffs in motorist-motorist collisions where the exercise of good judgment is more established.

Case Study 2

Ferris is cycling to the office on Saturday to finish a report. He is on a long downhill when he is passed by a driver who then pulls in ahead of him and brakes for a pedestrian that has come around the corner and is approaching a crosswalk. Ferris brakes hard to avoid colliding with the back of the SUV but loses control of his bike and veers off the road, going over his handlebars. The Court decides that Ferris is fully liable for his injuries because, having the same rights and duties as the operator of a vehicle, he was prohibited from following too closely. The driver was able to stop; Ferris on his bicycle is subject to the same standard.⁷⁶

As the foregoing case studies illustrate, the present state of the law may create inequity in two respects. Firstly, it fails to expressly provide that the status of a vulnerable road user should be taken into account—and a different following distance should apply—when a motor vehicle follows vulnerable road. Secondly, it fails to acknowledge that cycles often lack control over how closely they follow motor vehicles.

Cyclists often have little choice as to how closely motorists allow their vehicles to follow, to pass, or even to lead. A cyclist, whose duty is to travel as far as practicable to the right of the road, is often passed by motorists, and often in the same lane of travel. Difficulty arises where such a motorist's passing makes the cyclist the "following" vehicle, although the cyclist had no direct role to play in following the vehicle and becoming subject to s. 162. While a motorist is bound to overtake in safety (s. 159), once this has happened the cyclist is then not just at the mercy of the motorist's sudden action, but potentially liable for following too closely under s. 162.

The proposed amendment to s. 162 of the MVA addresses the scenario in which a motor vehicle is following a vulnerable road user. It requires that the motorist take the status

⁷⁵ *Miles v. Kumar*, 2013 BCSC 1688.

⁷⁶ Adapted from *Rudman v. Hollander*, 2005 BCSC 1342.

of the lead vehicle or cycle into account when determining an appropriate following distance. The issue of lack of control over following distance by cycles is addressed by the proposed reform of the general rule applying motorist rights and duties to cyclists.

Riding Abreast

Recommendation 16

Paragraph 183(2)(d) be amended to permit cycles to be operated side-by-side where appropriate for cycling safety.

Rationale

The original rule against riding abreast in the 1943 legislation made an exception for passing.⁷⁷ The present rule, set out in s. 183(2)(d), simply prohibits riding abreast of another person cycling on the roadway. The present rule is therefore both ambiguous as to whether a cyclist may pass another cyclist and contrary to safer cycling practices.

The rule has rarely been a litigation issue in BC. In the only known case, the defendant motorist attempted to apportion liability to an elderly cyclist. The defendant had pursued and harassed the cyclist riding abreast with his son. The defendant ultimately caused the cyclist to fall and suffer injury. The cyclists happened to have been in a designated use lane for cyclists only, and the Court rejected the defendant's argument and held "the legislature intended to only prohibit cyclists from riding abreast on parts of the highway that are used by vehicles, namely, in roadways."⁷⁸

Cycling side-by-side in a lane may improve safety where they may be easier for motor vehicles to see and to safely pass, as opposed to a longer single-file line of cycles. In cases where the through-lane is not wide enough to allow a vehicle to safely pass, two cyclists may continue to hold their space side-by-side until the lane widens or a shoulder or bike lane emerges that is safe to cycle on.

In addition, cycling side-by-side provides more comfortable and safe riding circumstances to a parent riding with a child. The parent is able to monitor the child's cycling more easily than if riding in front of the child and communicate more easily than if riding in front of or behind the child.

Prior to 1943, cyclists were historically permitted to ride abreast in BC. Cyclists are allowed to ride two abreast in many jurisdictions around the world including:

- Ontario - <http://www.ottawabicycleclub.ca/road-safety>
- Europe - <http://momentummag.com/articles/abreast-of-reality/>
- US - Cyclists in 39 States are specifically allowed to ride two-abreast: <http://bicycling.com/blogs/roadrights/2010/04/15/two-by->

⁷⁷ The *Highway Act Amendment Act, 1943*, SBC 1943, c. 26 shoehorned s. 25B into the Act to prohibit riding abreast except for the purpose of passing. The prohibition was disassociated from horse racing provisions in the 1948 revision: *Highway Act*, RSBC 1948, c. 144, s.27.

⁷⁸ *Davies v. Elston*, 2014 BCSC 2435.

- [two/http://bicycling.com/blogs/roadrights/2010/04/15/two-by-two/](http://bicycling.com/blogs/roadrights/2010/04/15/two-by-two/)
- Oregon - <http://bikeportland.org/2011/06/07/bike-law-101-riding-two-abreast-54334>
 - Kansas - <http://stevetilford.com/?p=19826>
 - The UK - <https://www.gov.uk/rules-for-cyclists-59-to-82/overview-59-to-71>
 - South Australia - http://www.dpti.sa.gov.au/roadsafety/safe_road_users/cyclists

http://www.dpti.sa.gov.au/roadsafety/safe_road_users/cyclists The recommended amendment would provide for cyclists to ride abreast, allowing them to do so in order to pass and where it provides a safety benefit.

Riding on or Astride the Seat

Recommendation 17

Paragraph 183(2)(f) be repealed as the provision no longer has application.

Rationale

The provision in paragraph 183(2)(f) appears to be another remnant of a bygone traffic age, addressing sidesaddle riding by women.

The provision is not known to have been considered or applied by BC courts.

The recommendation to repeal the provision is therefore of a house-keeping nature.

Signaling by the Operator of a Cycle

Recommendation 18

Subsections 183(17) be amended to provide that the duty to signal applies only where traffic may be affected, to expand the manner in which cyclists may signal a turn, to repeal the requirement to signal a reduction in speed and provide an exception to the requirement to signal where signaling is unsafe, as follows:

(17) If traffic may be affected, a person operating a cycle on a highway must signify

(a) a left turn by doing either of the following:

(i) a left turn by extending the person's left hand and arm straight from the cycle, in the direction of the turn,

(ii) activating a flashing lighted arrow pointing to the left,

(b) a right turn by doing either of the following:

(i) extending the person's right hand and arm straight from the cycle, in the direction of the turn; or by

(ii) extending the person's left hand and arm out and upward from the cycle so that the upper and lower parts of the arm are at right angles,

(iv) activating a flashing lighted arrow pointing to the right.

(c) An operator of a cycle does not commit an offense if the person is operating a cycle and does not give the appropriate signal for a turn due to circumstances requiring that both hands be used to safely control or operate the cycle.

Rationale

Under current s. 183(17), a cyclist is required to signal both turns and reductions in speed. There are no exceptions for cyclists for failing to signal, although there are exceptions for motorists failing to signal.

Cyclists use their hands to balance, to steer and to brake. Further, on North American bicycles, the front brake—which supplies approximately 75% of stopping power—is operated by the left hand, which is the hand generally used for signaling.

As cyclists use their hands to control the bicycle, and removing the hands could constitute a safety risk, there should be no requirement to signal unless traffic will be affected. Safe operation of the cycle should take precedence over the requirement to signal.

The proposed amendment would remove the blanket requirement to signal in favour of a requirement to signal where traffic will be affected. It would also eliminate the requirement to signal a reduction in speed, which may be dangerous for cyclists on account of the front brake being operated by the usual signaling arm and the delay that signaling may cause in stopping. Finally, an exception should be provided where it would be unsafe to remove hands from the bicycle.

Seizure of Cycle

Recommendation 19

Subsection 183(15) be amended to remove the express authorization of seizure of a cycle and subsection 183(16) be repealed.

Rationale

Subsection 183(15) of the Act expressly authorizes a Court to order that a cycle be seized where a person is convicted of *any* offence under the MVA. There are no such blanket impoundment provisions for motor vehicles. To the contrary, the preconditions for impounding a vehicle under the MVA are complex and specific, and generally require reason to believe that impoundment is the only way to ensure the vehicle will not be further used in contravention of the Act and at risk to public safety.

The impoundment process for a motor vehicle is regulated to ensure that the vehicle is appropriately stored and that the impoundment only operates for a limited period. The operator of a vehicle that is impounded has rights of review in respect of the impoundment and may even apply for early release of the vehicle on grounds of economic hardship.⁷⁹ In contrast, there is no regulation in respect of the seizure of a

⁷⁹ See section 251 of the *MVA* and Part 9, generally, which also provide a driver with rights of review in respect of an impoundment.

cycle, and no rights of review are afforded to the operator of a cycle although they may also experience economic hardships.

The recommendation to amend subsection 183(15) better aligns the treatment of motor vehicles and cycles under the Act by removing the blanket authority to seize a cycle for any contravention of the Act. In any case, whether it is a cycle, a motor vehicle or some other device at issue, the province's Courts have the inherent power to grant a seizure order where a Court is of the view that it is necessary to protect the safety of others. As such, in the unusual case in which there is reason to believe a cycle poses a significant safety risk to others, the Court is empowered to provide an appropriate remedy.

Subsection 183(16) expressly authorizes a peace officer to "enter any place or building in which the cycle is located." The provision is plainly problematic: on its face, it authorizes a peace officer to enter a dwelling in order to seize a cycle. Most people store their bicycles inside their homes or an accessory building on the same property, either for protection of property⁸⁰ or simply because they have no other alternative. Subsection 183(16) thus has potentially far-reaching constitutional implications.

The recommendation to repeal subsection 183(16) aligns the law with *Charter of Rights and Freedoms* principles prohibiting unreasonable search and seizure in order to protect places where persons have a high expectation of privacy, most notably, their homes.

4. Rules Relating to Pedestrian-Cyclist Interactions

Sidewalks

Recommendation 20

The MVA should be amended to clarify when adult cyclists are permitted to ride on the sidewalk and to provide that children 12 and under and people with disabilities are permitted to ride on the sidewalk. Existing s. 183(2)(a) should be replaced as follows:

(a) must not ride on a sidewalk unless

(i) the person is aged 12 or under, or is a person of any age with a disability that prevents the person from safely operating a cycle on a highway,

(ii) authorized by a bylaw made under section 124 or otherwise directed by a sign or pavement marking,

(iii) directed by detour to use a sidewalk, or

(iv) a parallel bicycle facility is obstructed,

and where a cycle is lawfully operated on a sidewalk, the operator of the cycle must yield to any pedestrian using the sidewalk.

Rationale

⁸⁰ In Vancouver, bicycle thefts have outnumbered vehicle thefts since 2010 according to a Vancouver Sun article based on Vancouver Police Department data: Chad Skelton, "More bikes stolen in Vancouver than cars: City police struggle to stem the tide of one of the few crimes that is getting worse" *The Vancouver Sun* (21 March 2014):

<http://www.vancouversun.com/news/More+bikes+stolen+Vancouver+than+cars/9230502/story.html>.

The rule against cycling on sidewalks dates to the late 1800s. While the MVA maintains the historical general prohibition against riding on the sidewalk, the rule has been sufficiently altered by action at the municipal level to create considerable confusion.

While originally this rule presumably served pedestrian safety, within Metro Vancouver there are several examples of routes where cyclists are directed to use a sidewalk and prohibited from cycling on the highway. Bridges pose a particularly high degree of risk to cyclists, for example. Some municipalities have adopted “multi-use paths” to replace certain sidewalks where cycling on the particular roadway is especially dangerous.⁸¹ These on-the-ground actions suggest that the historical rationale for the broad rule should be reconsidered in view of the risks in certain sets of circumstances, such as where the cyclist is a child or a parallel bicycle facility is obstructed.

The BC jurisprudence tends to show that cyclists who ride on the sidewalk will be found partly responsible in the event of a collision with a motorist, with breach of this rule playing an important part in the reasoning. In many cases, the factual circumstances suggest that the motorist had no expectation that a cyclist might be present on the sidewalk and took no precautionary measures specific to cyclists, such as looking where a cyclist would be rather than where a pedestrian would be.⁸² In light of municipal action permitting cyclists on particular sidewalks, the general prohibition should be questioned. It continues to operate to the detriment of cyclists by condoning a level of care that is insufficient. Motorists ought to expect cyclists and pedestrians to be on sidewalks. The Act should acknowledge the due care and attention required to look for them.

A rule which clearly provides for cyclists to ride on sidewalks under appropriate circumstances, and which provides for children and people with disabilities to use sidewalks generally, will improve safety by providing clarity in the law and by contributing to the creation of a general expectation that cyclists might be riding on sidewalks.

Access to Cyclist or Pedestrian Controlled Traffic Signals

Recommendation 21

Section 183 be amended to introduce a new subsection permitting the operator of a cycle to proceed beyond a stop line or to proceed onto a sidewalk to operate a cyclist or pedestrian controlled traffic signal, and where the operator of a cycle proceeds onto a

⁸¹ For example, the City of North Vancouver is in the process of removing a sidewalk along West 3rd Street in order to install a multi-use path. The installation of the multi-use path is part of the City’s plan to provide AAA bike facilities. The location was deemed a high priority because of the danger posed to cyclists by the vehicle lane configurations. The multi-use path option was chosen over other possible cycling facilities as a result of insufficient road width to install on-road facilities.

⁸² See *Hadden v. Lynch*, 2008 BCSC 295; *Deol v. Veach*, 2011 BCSC 1437; *Bradley v. Bath*, 2010 BCCA 10. In *Gregus v. Belisle*, [1992] B.C.J. No. 696 the judge held that the “purpose of s. 185(2)(1) of the Motor Vehicle Act is to prevent accidents from which the plaintiff cyclist is quite as likely or more likely to be hurt as the defendant, so the legislation has as its principal purpose the protection of the plaintiff. Where the plaintiff does not comply, then her unexcused violation is evidence of negligence.”

sidewalk to operate the signal, the operator of the cycle must yield to pedestrians lawfully on the sidewalk.

Rationale

The MVA contains no rules governing access to pedestrian and cyclist controlled signals by the operator of a cycle. This is another area in which municipal action has overtaken provincial law: municipal streets now contain many cyclist controlled signals or pedestrian controlled signals which are placed on cycling routes and also intended for use by cyclists.

While the MVA contemplates pedestrian controlled traffic signals in section 133, access to a pedestrian controlled signal for a pedestrian has not been an issue since such signals are located on sidewalks. Access to signals for cyclists, on the other hand, can be problematic. Signals are often placed on the sidewalk at the far front and right edge of the roadway, which may be beyond a stop line or in a right turn lane. To operate the signal, cyclist may have to proceed past the stop line or adopt inappropriate lane positioning. Alternatively, the signal may be on the sidewalk and intended for use by both pedestrians and cyclists, requiring the cyclist to mount the curb and use the sidewalk to access the signal.

The recommendation is to provide access to cyclist and pedestrian controlled signals where they are commonly placed by municipalities, and to provide that a cyclist must yield to a pedestrian where the signal is on a sidewalk.

Crosswalks

Recommendation 22

The MVA should be amended to clarify when cyclists can ride through a crosswalk and indicate that motorists must yield to cyclists if they are in a crosswalk marked by “elephant’s feet” or otherwise indicated to be a cycle crossing or cycle-priority space, such as a bike box. To that end, paragraph 183(2)(b) should be amended as follows:

- (b) must not, for the purpose of crossing a highway, ride on a crosswalk unless
 - (i) authorized to do so by a bylaw made under section 124,
 - (ii) otherwise directed by a sign or pavement marking (e.g. "elephant feet"),
 - (iii) a trail which allows cycles crosses a highway by way of a crosswalk,
 - (iv) a detour directs cycles to use a crosswalk, or
 - (iv) a parallel bicycle facility is blocked, and in any such case,
 - (v) the operator of the cycle shall yield to pedestrians lawfully in the crosswalk or marked area, and
 - (vi) the operator of a vehicle shall yield to cycles and pedestrians lawfully in the crosswalk or marked area.

Rationale

Paragraph 183(2)(b) of the MVA prohibits riding on a crosswalk unless authorized by bylaw or directed by a sign. The rule was introduced in 1985, concurrently with s.

124(1)(v) empowering municipalities to dictate how and when cyclists can ride on sidewalks and crosswalks.⁸³ The legislative language of the rule is directly parallel to the prohibition against riding on sidewalks.

In the courts, the prohibition is often considered in conjunction with s.183(2)(a) relating to sidewalks. Cyclist plaintiffs riding in crosswalks will be in technical breach, and will likely attract apportioned liability. Even if their general presence might be indistinguishable from a pedestrian, stroller etc. with respect to speed and visibility, they cannot expect the same deference that pedestrians would receive.⁸⁴

Case Study

The plaintiff cyclist was a 13-year-old boy that was struck by a truck while riding his bicycle onto a crosswalk. The trial judge found both parties equally at fault. The boy appealed, which appeal was dismissed. The Court of Appeal held that because of his breach of statute, they boy was not entitled to rely on having a right of way.⁸⁵

The rule against riding on crosswalks has made a commonly used safer cycling practice illegal. Where a cyclist cannot safely merge with traffic in order to execute a left-hand turn, safer cycling practice is to execute a “box turn”, where a cyclist wanting to take a left first almost clears the intersection in the right-most through-lane, before cutting into the intersecting street’s crosswalk and re-aligning position 90 degrees so as to proceed with through traffic from the intersecting street.

Notwithstanding that the practice is used as a safer alternative to merging with one or more vehicle lanes in order to execute a left-hand turn, the former amounts to a breach of the statute where the latter—although riskier—may not.

Municipal action in respect of bicycle crossings has overtaken the existing rule. Many cities now have “elephant’s feet” marking crosswalks to indicate where cyclists should ride to cross a street. Municipal signage on bike routes also direct cyclists to cross at certain crosswalks. Some municipalities have also installed painted “bike boxes” at intersections in order to allow cycles to safely navigate an intersection.

The proposed amendments modernize the law to clarify when cyclists may ride in crosswalks and provide for cyclists to yield to pedestrians when doing so. The amendment also clarifies that the operator of a vehicle must yield to both cycles and pedestrians who are lawfully in crosswalk or bike box type spaces marked for their use.

5. Offences

Dooring

Recommendation 23

⁸³ *Motor Vehicle (No. 2) (Amendment)*, SBC 1985, c.78 s.15.

⁸⁴ See for example, *Callahan v. Kim* [2012] B.C.J. No. 2248.

⁸⁵ *Bajkov v. Canil*, [1990] B.C.J. No. 145 (BCCA).

The MVA and Schedule 3 of the *Violation Ticket Administration and Fines Regulation* be amended to increase the fine for opening a vehicle door when it is not safe to do so from \$81 to \$368 and three demerit points.

Rationale

Section 203 of the MVA currently prohibits opening a vehicle door on the side available to moving traffic unless and until it is reasonably safe to do so and prohibits leaving the door open for longer than necessary to load or unload passengers. Section 203 remains substantially the same form as its original equivalent in the 1957 Act.

Current fines fail to target one of the most frequent types of motorist-cyclist collisions and fail to reflect the seriousness of the risks posed to cyclists by a “dooring,” also known as the “door prize.”

Since 2003, the fine for contravening s. 203(1) has been set at \$81. For the 13 years before that, it was a mere \$50.⁸⁶ In contrast, the fine imposed on a cyclist for contravening *any* rule set out in s. 183 is \$109. When the fine was \$50, cycling offences attracted fines of \$75.⁸⁷ The penalty for distracted driving is currently \$368, more than quadruple the fine for “dooring.”

The small fines for unsafely opening a door into traffic still reflect the mild approbation one would expect for behaviour that primarily risks property damage and the offender’s own safety—for example opening a door into the path of another motorist.

The issue is, however, one of safety for cyclists. Cycling safety studies consistently demonstrate that “doorings” are one of the most frequent types of motorist-cyclist collisions. A 2015 study by the City of Vancouver identified doorings as the most common motorist-cyclist collision and placed dooring as the number one issue in relation to cycling safety in the City.⁸⁸ The majority of doorings were by driver-side vehicle occupants in parked cars on arterial roads without bikeways.

While a dooring can result in superficial injuries, a high-speed dooring or a dooring or near-dooring in which a cyclist is propelled into or must swerve into other vehicular traffic has resulted in hospitalizations and deaths in BC.⁸⁹ Doorings is a serious problem.

The relatively high rates of doorings are a predictable result of cyclists’ mandated position as far right as practicable on the roadway and the absence of driver training and awareness of the risks posed by the behaviour. Further, cyclists are sometimes forced to

⁸⁶ *Violation Ticket Administration and Fines Regulation*, BC Reg 89/97, Schedule 3, as amended by BC Reg 384/2003.

⁸⁷ BC Reg 434/90. The older *Violation Ticket Fines Regulation* fined cycling without reasonable consideration at \$75, but opening a door unsafely was only \$50.

⁸⁸ *Vancouver Cycling Report 2015*, *supra* note 10.

⁸⁹ “Patricia Keenan, Kelowna cyclist, mourned after fatal crash into car door” *CBC News* (20 July 2015): <http://www.cbc.ca/news/canada/british-columbia/patricia-keen-an-kelowna-cyclist-mourned-after-fatal-crash-into-car-door-1.3160089>; See also Kay Teschke et al., “Bicycling crash circumstances vary by route type: a cross-sectional analysis” *BMC Public Health* 14.1 (2014): 1205.

choose between the “lesser evil” of riding in the door zone as compared to riding in greater proximity to fast-travelling vehicular traffic.

Case Study

Anming is travelling uphill on a designated bike route with no bike lane, on his way home from work. He is travelling at approximately 10 km/h, as fast as he can go given the grade. The road is a boulevard with two lanes on each side of a grassy median; cyclists “share” the outside lane with vehicular traffic. Rush hour traffic volumes mean that both lanes are usually full; the outside lane cannot regularly encroach on the inside lane. Typical traffic speeds are 50-65 km/h, depending on congestion and street parking is permitted. Anming knows that the outside lane will be motivated to squeeze by without changing lanes and that he has little chance of survival if rear-ended. He chooses to ride in the door zone of the parked cars – although there is a high likelihood of collision with a door, the severity of the resulting injuries from a rear-ending are unacceptable.

A dooring is assumed to be the “lesser evil” in some circumstances, deaths do occur as a result of dooring, which is one of the most frequent cycling injury circumstances.

Ontario Bill 31, in effect as of September 1, 2015, provides for a fine of \$365 (including victim fine surcharge and court fees) plus three demerit points against a driver who “doors” a cyclist. Drivers who unsuccessfully contest the charge could be subject to a fine up to \$1,000 plus three demerit points, upon conviction.⁹⁰

There are few reported legal cases relating to doorings; the paucity of jurisprudence likely reflects that such cases rarely get to trial. However, cyclists’ claims become uncertain when their injuries are of such severity that they cannot recall the event and cannot address the self-serving evidence of the uninjured defendant motorist.

The recommended amendments will align fines for conduct that puts vulnerable road users’ lives objectively at risk with fines for other behaviours that pose similar risks.

⁹⁰ Bill 31 is now *Transportation Statute Law Amendment Act (Making Ontario's Roads Safer)*, SO 2015 c.14. Ontario Ministry of Transportation has information on this law online: www.mto.gov.on.ca/english/safety/bill-31.shtml.

Obstruction of a Travel Lane Designated for the Use of Cycles

Recommendation 24

Sections 153.1 and 153.2 of the MVA and Schedule 3 of the *Violation Ticket Administration and Fines Regulation* be amended to provide for a fine in respect of a contravention of section 153.1 or 153.2 of the MVA where the contravention is in relation to a designated use highway or lane that is designated for use by a class of vulnerable road user.

Rationale

Sections 152.1 and 153.2 of the MVA provide for designating a highway or a lane on a highway for use by a particular class of road user, which may include the operator of a cycle. The *Violation Ticket Administration and Fines Regulation*,⁹¹ which sets out fines for contraventions of the MVA in Schedule 3, prescribes no amount for a contravention of section 153.1 or 153.2.

Section 161 of the MVA provides that despite any other provision of the Act, if there is a traffic control device (this includes painted markings) on or over a highway designating a highway—but not a lane—for special use, no vehicle shall operate a vehicle on the highway except as permitted by regulation. The fine for contravention of section 161 is \$121.

As lanes rather than highways are designated for use by cycles, the Act and *Regulations* fail to prescribe any fine for obstructing a lane designated for use by cycles and there can be no enforcement against such behavior.

The danger posed where a designated cycle lane is obstructed is apparent: the operator of the cycle is forced to merge with vehicular traffic, sometimes abruptly. A merge is more safely accomplished the smaller the differential in speed between the merging bicycle and vehicular traffic, but this puts the cyclist in a “catch-22”: if they reduce speed to ensure they can stop before colliding with the obstruction, they may be unable to safely merge to go around the obstruction, but if they maintain or even increase speed to reduce the risks associated with the merge, they are at risk of colliding with the obstruction should vehicular traffic refuse to “let them in.” As the case studies presented in this Position Paper demonstrate, safely executing a merge with vehicular traffic can be both problematic and risky for cyclists.

The recommendation would clearly establish a set fine amount for obstructing a highway or lane designated for use by a vulnerable road user, which would in turn permit enforcement.

Conclusion

The Road Safety Law Reform Group strongly recommends modernization of BC traffic laws to reflect modern traffic realities and to meet BC’s Vision Zero road safety objectives.

⁹¹ BC Reg 89/97, Schedule 3, as amended by BC Reg 384/2003.

The recommendations set out in this Position Paper have been developed from scientific research, best practices for safer cycling and the experiences of BC road users.

The proposed reforms should be considered severable and capable of enactment on a stand-alone basis.

The proposed reforms should not be considered exhaustive, but rather, priority amendments to the existing legislative framework.

If adopted, the proposed reforms should increase safety for BC road users, provide clarity and promote compliance with BC traffic laws, and position vulnerable BC road users more equitably in the event of injury, loss or damage.

The BC Road Safety Law Reform Group is made up of the Trial Lawyers Association of BC, the British Columbia Cycling Coalition, HUB Cycling, and health researchers. These organizations represent approximately 50,000 supporters across B.C.

To: Minister of Justice, Attorney General: JAG.Minister@gov.bc.ca
Solicitor General: PSSG.Minister@gov.bc.ca
Minister of Transportation and Infrastructure: Minister.Transportation@gov.bc.ca
Superintendent of Motor Vehicles: RoadSafetyBC@gov.bc.ca, Sam.MacLeod@gov.bc.ca
Cc: Katherine.Kirby@gov.bc.ca, action@bikehub.ca,

November 23, 2017

Re: Modernizing the BC Motor Vehicle Act

The City of Victoria supports the BC government's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020. We believe roads must be made safer for vulnerable road users—including people of all ages, walking and biking.

To accomplish this, we support modernizing British Columbia's traffic legislation, the Motor Vehicle Act (MVA). As its name suggests, the Act was written with motorists in mind. The MVA was passed in 1957 and has changed surprisingly little since, despite dramatic changes in our transportation infrastructure, vehicles and usage. Changes to the Act are required if BC is to meet its "Vision Zero" road safety targets.

Decades' worth of evidence has shown that cyclists and other vulnerable road users are not adequately protected by the nearly 60-year-old Act. The transportation environment has evolved since 1957 with significant growth in cycling for transportation.

With reform either recently completed or imminent in Canada's two most populous provinces—Ontario and Quebec—British Columbia is falling behind and has an opportunity to use the research and experience of its peer provinces to expedite changes. To achieve the safest roads in North America, BC too will need to align its laws with recommended cycling practices and promote behaviours that reduce collisions, injury and death.

The BC Road Safety Law Reform Group has made 26 recommendations for improvement in their [Position Paper to Modernize the BC Motor Vehicle Act](#). These include safe passing distances and safe neighbourhood speeds.

Opening the Motor Vehicle Act up for review is crucial for preventing vulnerable road user serious injury and death, providing justice for those impacted in road collisions, and removing barriers for cycling in BC.

Sincerely,

Lisa Helps
Mayor, City of Victoria

Modernizing the BC Motor Vehicle Act

25 Recommendations listed in the Position
Paper developed by the Road Safety Law
Reform Group of British Columbia

Members of the Group include:

HUB Cycling

British Columbia Cycling Coalition

Trial Lawyers Association of British Columbia

health and safety researchers



Traffic has Changed

- The BC Motor Vehicle Act (the “MVA” or the “Act”) was originally passed in 1957, written with motorists in mind.
- Number of motor vehicles on our road has increased 1400% since the writing of the MVA + far heavier trucks now. Cycling has increased over 300% in that same time.

BC Residents

Q3. Which statement best describes you? I ride my bicycle...



- Daily (5 or more times/week)
- Weekly but not daily (2-4 times/week)
- Less than once a week but more than once a month (12-51 times/year)
- Less than once a month but at least once a year (1-11 times/year)
- Less than once a year
- Never / I don't ride a bicycle for any purpose

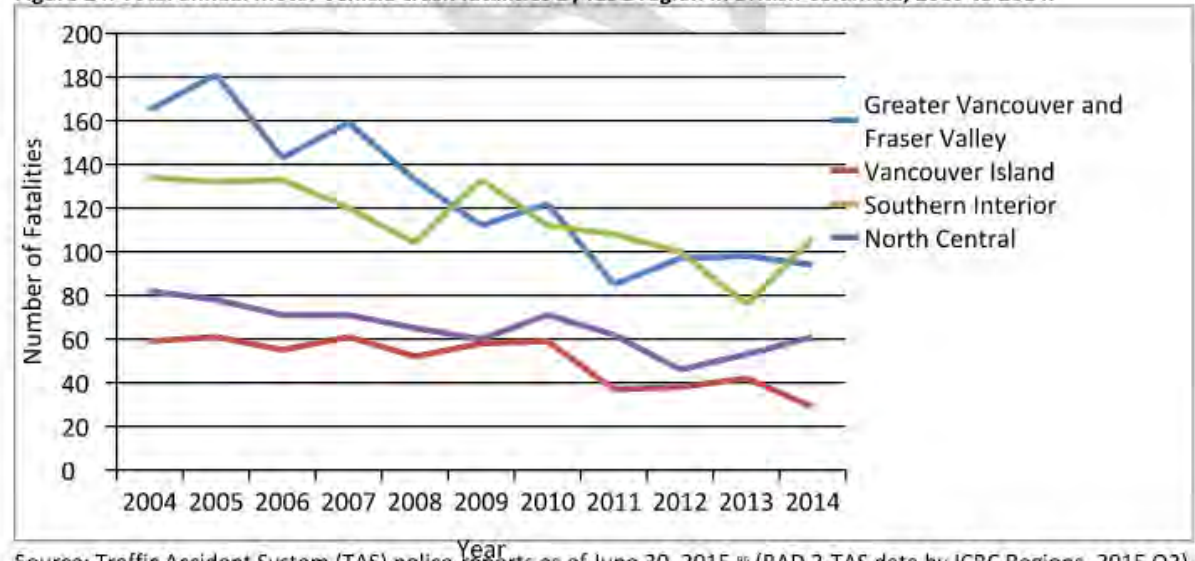
Metro Vancouver Residents

Percentage Growth in Travel by Mode for Metro Vancouver



BC Road Safety
Strategy research,
January 2016:
*“as a
proportion of
total serious
injuries
involving motor
vehicle crashes,
cyclists actually
constitute an
increasingly
greater share.”*

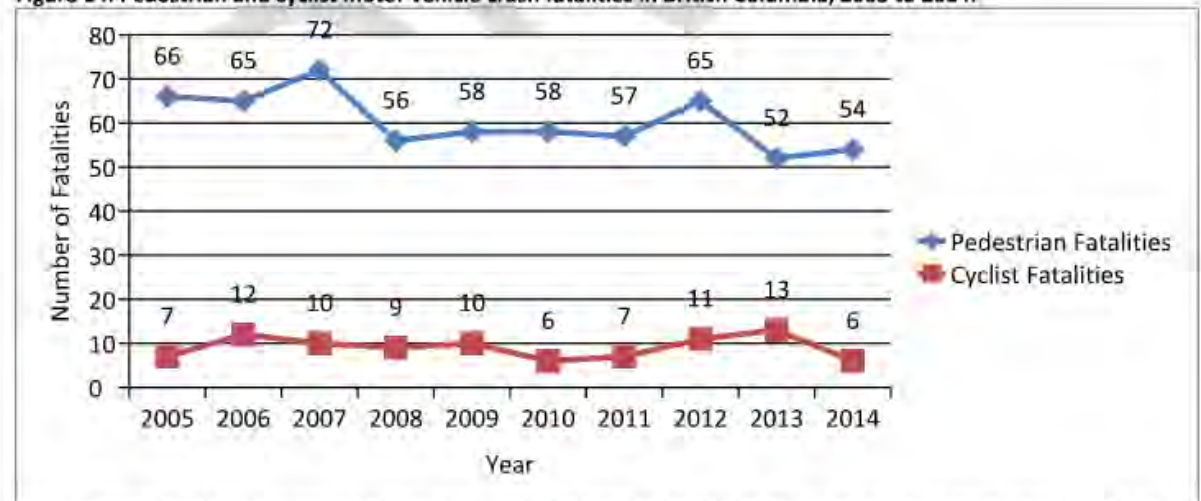
Figure 24. Total annual motor vehicle crash fatalities by ICBC region in British Columbia, 2005 to 2014.



Source: Traffic Accident System (TAS) police-reports as of June 30, 2015.⁹⁰ (RAD 2-TAS data by ICBC Regions_2015 Q2). ICBC regions are: Lower Mainland, Vancouver Island, Southern Interior, North Central, and Unknown.

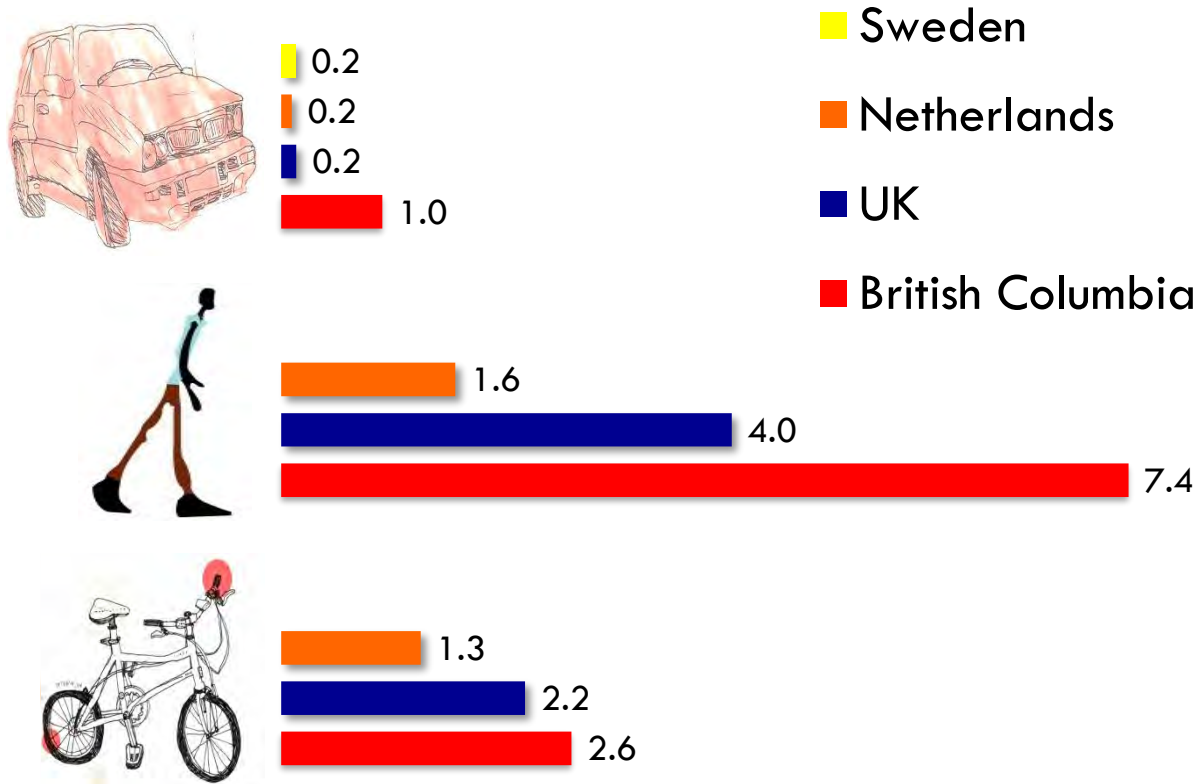
Figure 14 also shows that the number of pedestrian and cyclist crash fatalities has not demonstrated clear improvement over the last 10-year period.

Figure 14. Pedestrian and cyclist motor vehicle crash fatalities in British Columbia, 2005 to 2014.



Source: Traffic Accident System (TAS) police-reports as of June 30, 2015.⁹⁰ (RAD 2-TAS data by ICBC Regions 2015 Q2). Discharge Abstract Database, British Columbia Ministry of Health. Data for 2005 to 2011 drawn from: RAD-E 2015-009.⁹¹ Data for 2012 to 2014 drawn from: RAD-E 2015-004.⁹²

Deaths per 100 million km



Research-Based Recommendations for Reform

The proposed reforms contained in this position paper have been developed following a review of the legislative history and jurisprudence, available scientific evidence, and case studies of BC road users.



Aims of Reform

- clarifying the rights and duties of road users to improve understanding and compliance and reduce conflict between all road user groups,
- acknowledging the fundamental differences between road user groups' capabilities and vulnerabilities, and recognizing the increased risks faced by more vulnerable classes of road users,
- aligning the law with best practices for safer road use by vulnerable road users,
- reducing the likelihood of a collision involving a vulnerable road user,
- prioritizing enforcement of laws that target activities most likely to result in collisions, injuries and fatalities, and reducing the likely severity

Example recommendations

- Lower default speed limit on local streets
- Increased dooring penalties
- Safe passing and following distance
- Indicate safer use of roundabouts & traffic circles
- Introduce penalty for obstruction of a bike lane
- Clarity on passing on the right as a cyclist

Where the Rubber Meets the Road:

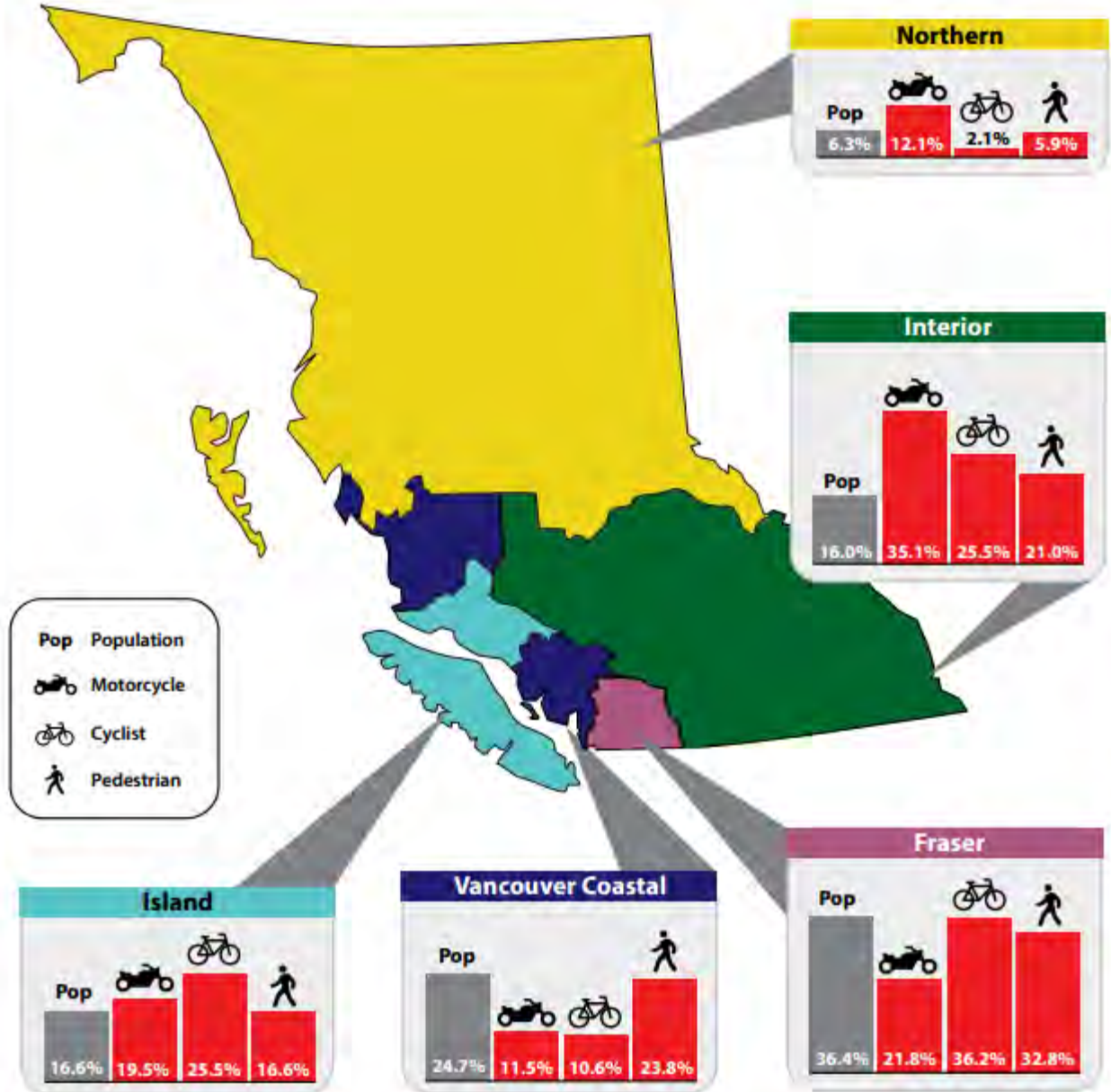
Reducing the Impact of Motor Vehicle Crashes on Health and Well-being in BC



PHO calls for reduced motor vehicle speeds, especially speeds of 30 km/h and less

Figure 4.3

Proportion of Population and Motor Vehicle Crash Fatalities, by Vulnerable Road User Type and Health Authority, BC, 2009-2013



BC Needs to Catch Up

DOORING PENALTIES

ONTARIO:

UP TO \$1,000 +

THREE DEMERIT POINTS



BC:

\$81 +

TWO

DRIVER PENALTY POINTS

Full List of Recommendations

1. Change the Name of the Act to be more Neutral
2. General Rules
 - Classification of Road Users
 - Definition of a Cycle
 - Motor Assisted Cycle Due Care and Attention/Reasonable Consideration
 - Municipal Speed Limits
 - Default Speed Limit on Local Streets
3. Rules Relating to Motor Vehicle–Bicycle Interactions
 - “The same rights and duties as the operator of a vehicle”
 - Safe Passing Distance
 - “As far to the right as is practicable”
 - Passing on the Right
 - Rights of Way
 - Roundabouts and Traffic Circles
 - Red Traffic Arrows
 - Rail Tracks and Cattleguards
 - Following too closely
 - Riding Abreast
 - Riding on or Astride the Seat .
 - Signaling by the Operator of a Cycle
 - Seizure of Cycle
4. Rules Relating to Pedestrian-Cyclist Interactions
 - Sidewalks
 - Access to Cyclist or Pedestrian Controlled Traffic Signals
 - Crosswalks
5. Offences
 - Dooring
 - Obstruction of a Travel Lane Designated for the Use of Cycles

Modernizing the BC Motor Vehicle Act



Modernizing the BC Motor Vehicle Act

City of Victoria

WHEREAS, the Road Safety Law Reform Group of British Columbia and organizations including the City of Vancouver, British Columbia Cycling Coalition and Trial Lawyers Association of British Columbia have called on the Government of British Columbia to review and modernize the BC Motor Vehicle Act;

AND WHEREAS modernization of this legislation is necessary to achieve the Government of British Columbia's "Vision Zero" plan to make BC's roads the safest in North America and eliminate road-related injuries and deaths by 2020, and where the Road Safety Law Reform Group has provided evidence-based recommendations for increasing safety for vulnerable road users, including children, seniors, people with disabilities, pedestrians and cyclists;

THEREFORE BE IT RESOLVED THAT the Government of British Columbia review and modernize the BC Motor Vehicle Act, to increase safety for all road users and achieve the "Vision Zero" objective of making BC's roads the safest in North America and eliminating road-related injuries and death by 2020.

AVICC Resolution
Cannabis Tax Revenue Sharing with Local Governments
Submitted by the Village of Tahsis

Backgrounder

- In 2016 and 2017 UBCM endorsed resolutions regarding the federal government's initiative to legalize and regulate cannabis.
- As noted in the May 2017 "BC Local Government Attitudes Towards the Legalization and Regulation of Marijuana in Canada" UBCM survey report, local governments identified downloading of duties and revenue sharing as top concerns.
- SR1 endorsed at the 2017 UBCM convention calls for "Equitable sharing of tax revenue from cannabis between all orders of government".
- FCM has endorsed a 1/3, 1/3, 1/3 tax revenue sharing scheme.
- While the province and UBCM continue to meet regarding the range of issues entailed in implementing the new cannabis regime, the province has not committed to any form of tax revenue sharing.
- The federal legislation is expected to be enacted and come into force and effect in July or August 2018.



Minutes

<u>Meeting</u>	Regular Council
<u>Date</u>	16-Jan-18
<u>Time</u>	7:00 PM
<u>Place</u>	Municipal Hall - Council Chambers

- 6 Councillor Taylor Re: Draft Resolution in regard to cannabis tax revenue sharing for presentation to the AVICC Resolutions Committee

Cannabis Tax Revenue Sharing

Whereas Municipalities in British Columbia have been enduring financial downloading from both Federal and Provincial levels of Government for decades

Whereas Municipalities in British Columbia will face further increases in costs with the legalization of Cannabis, including but not limited to, policing, licensing, enforcement, zoning and zoning enforcement, by-laws and by-law enforcement and possible health issues; **therefore**

Be it resolved that the Association of Vancouver Island and Coastal Communities (AVICC) calls for the Province to provide to BC Municipalities an equal share (50/50) of the Provincial tax revenue from the sales of Cannabis in British Columbia in lieu of the increased financial burden legalization will bring to the Municipal level.

Overton/ Bellanger: VOT 028/2018

THAT this draft resolution be received.

Overton/ Bellanger: VOT 029/2018

THAT this resolution be submitted for the inclusion at the 2018 AVICC conference.

CARRIED

For the Committee of the Whole Meeting of February 8, 2018

Subject: AVICC Motion re: Climate Accountability for Fossil Fuel Companies

THEREFORE BE IT RESOLVED that the AVICC write a Climate Accountability Letter to the 20 fossil fuel companies outlining the types of costs that communities are incurring and expected to incur due to climate change, and requesting that the companies pay their fair share of those impacts.

AND BE IT FURTHER RESOLVED that AVICC forward this motion to UBCM and to FCM and request that those local governments write Climate Accountability Letters on behalf of their member local governments.

Respectfully Submitted,



Mayor Helps



Councillor Loveday



Councillor Isitt

Climate Accountability for Fossil Fuel Companies

City of Victoria

WHEREAS communities in British Columbia face a range of impacts from climate change, including sea-level rise, increased coastal erosion, prolonged summer drought, and increased winter precipitation and communities are required to consider these impacts in infrastructure planning, construction and maintenance, as well as to mitigate the financial impacts of these costs on residents and businesses given the limits of local government revenue raising to property taxes and utilities;

AND WHEREAS while the precise amount of increased costs due to the increase in work on infrastructure due to climate change is not yet quantified, local governments in British Columbia are almost certainly already paying significantly increased costs and those amounts will only increase, noting that fossil fuel companies have played a major role in the creation of climate change, making hundreds of billions of dollars in selling products which cause climate change with the 20 largest fossil fuel companies having contributed – through their operations and products – to approximately 29.3% of greenhouse gases in the global atmosphere today;

THEREFORE BE IT RESOLVED that the AVICC write a Climate Accountability Letter to the 20 fossil fuel companies outlining the types of costs that communities are incurring and expected to incur due to climate change, and requesting that the companies pay their fair share of those impacts and that AVICC forward this motion to UBCM and to FCM and request that those local governments write Climate Accountability Letters on behalf of their member local governments.



MEMORANDUM

To: Douglas Holmes, Chief Administrative Officer

From: Mike Irg, Manager of Planning and Development

Date: March 8, 2018

Subject: Business License AVICC Resolution

WHEREAS Regional Districts in general have not been granted authority to regulate business or a system to issue business licenses and

WHEREAS businesses in Regional Districts periodically operate contrary to bylaws, businesses licenses provide the ability to regulate business operations and enforce compliance with bylaws.

THEREFORE BE IT RESOLVED that the AVICC request the Provincial Government grant all Regional Districts the additional powers, as an extended service, to make bylaws respecting the licensing of businesses in Regional Districts.

Background:

While municipalities have the authority to regulate and issue business licenses, most regional districts do not. The Central Okanagan Regional District is an example of a regional district that has the authority to regulate business and issue business licenses through a *Local Government; Community Charter Regulation*.

A business licensing system for Regional Districts would allow for improved regulation and harmonization with neighbouring Municipalities. An additional benefit would be Regional District participation in the Mobile Business License Programs available in the Province which creates a more equitable business environment.

Budney, A. J., Roffman, R., Stephens, R. S., & Walker, D. (2007). Marijuana dependence and its treatment. *Addiction science & clinical practice*, 4(1), 4.

Abstract: The prevalence of marijuana abuse and dependence disorders has been increasing among adults and adolescents in the United States. This paper reviews the problems associated with marijuana use, including unique characteristics of marijuana dependence, and the results of laboratory research and treatment trials to date. It also discusses limitations of current knowledge and potential areas for advancing research and clinical intervention.

Important points:

- Adults seeking treatment for marijuana abuse or dependence average more than 10 years of near-daily use and more than six serious attempts at quitting
- Adolescents who smoke marijuana are at enhanced risk of adverse health and psychological consequences, including STIs and pregnancy, early school dropout, delinquency, and lowered educational and occupational aspirations
- In addition to being the illicit drug most commonly used by the general population, marijuana is also the most common 'other drug' used by those seeking treatment for stimulant or opiate dependence

Hopfer, C. J., Stallings, M. C., Hewitt, J. K., & Crowley, T. J. (2003). Family transmission of marijuana use, abuse, and dependence. *Journal of the American Academy of Child & Adolescent Psychiatry*, 42(7), 834-841.

Abstract:

Objective

To examine the familial aggregation of marijuana use, abuse, and dependence.

Method

Adolescents recruited from residential and day treatment programs for youths with conduct and substance problems, matched controls, and all available family members were interviewed with structured research instruments. A total of 2,546 individuals from 781 families were interviewed. Risk ratios of relatives of clinical cases were calculated, compared with controls, for marijuana use, abuse, or dependence. Spousal, parent-offspring, and sibling correlations and the proportion of variance attributable to parent-offspring transmission were estimated using structural equation modeling.

Results

For all three measures, the risk ratios were elevated in the family members of clinical probands, with estimates ranging from 1.5 to 3.3. Spousal correlations ranged from 0.33 to 0.70. Parent-offspring correlations ranged from 0.17 to 0.30. Sibling correlations ranged from 0.34 to 0.44. The proportion of variance attributable to factors transmitted from parents to children ranged between 25% and 44%.

Conclusions

Familial aggregation of marijuana use, abuse, and dependence is present for all three measures. The results suggest significant parent-offspring transmission of risk, sibling environmental influences, and assortative mating for all three levels of marijuana use.

Main points

- Marijuana intoxication's acute effects include impairment in attention, judgement and other cognitive functions, and long-term heavy use has been associated with memory impairment
- Despite popular opinions that marijuana use is not 'habit-forming,' a number of authors have shown that dependence in marijuana is common
- Relatives of adolescents in treatment for substance dependence and conduct problems have elevated rates of lifetime marijuana use, abuse, and dependence, compared with relatives of control adolescents
- There were significant spousal correlations across all three levels of severity, although the greatest was for marijuana use
- There were significant parent-offspring and sibling-correlations for all three measures
- The proportion of variance in the liability to use, abuse, and dependence attributable to factors transmitted from parent to offspring accounted for between 25% and 42% of the variance in the marijuana-using behaviours

Budney, A. J., Hughes, J. R., Moore, B. A., & Novy, P. L. (2001). Marijuana abstinence effects in marijuana smokers maintained in their home environment. *Archives of general psychiatry*, 58(10), 917-924.

Abstract: Background Although withdrawal symptoms are commonly reported by persons seeking treatment for marijuana dependence, the validity and clinical significance of a marijuana withdrawal syndrome has not been established. This controlled outpatient study examined the reliability and specificity of the abstinence effects that occur when daily marijuana users abruptly stop smoking

marijuana. **Methods** Twelve daily marijuana smokers were assessed on 16 consecutive days during which they smoked marijuana as usual (days 1-5), abstained from smoking marijuana (days 6-8), returned to smoking marijuana (days 9-13), and again abstained from smoking marijuana (days 14-16). **Results** An overall measure of withdrawal discomfort increased significantly during the abstinence phases and returned to baseline when marijuana smoking resumed. Craving for marijuana, decreased appetite, sleep difficulty, and weight loss reliably changed across the smoking and abstinence phases. Aggression, anger, irritability, restlessness, and strange dreams increased significantly during one abstinence phase, but not the other. Collateral observers confirmed participant reports of these symptoms. **Conclusions** This study validated several specific effects of marijuana abstinence in heavy marijuana users, and showed they were reliable and clinically significant. These withdrawal effects appear similar in type and magnitude to those observed in studies of nicotine withdrawal.

Main points:

- Validated specific symptoms of marijuana withdrawal, which increased during marijuana abstinence, returned to baseline when marijuana smoking resumed, and increased again when abstinence was reinitiated, suggesting that they were caused by cessation of marijuana use

<https://www.drugabuse.gov/publications/research-reports/marijuana/how-does-marijuana-use-affect-school-work-social-life>

- Lists some findings from recent studies
- Effect on workplaces, etc.

<https://www.drugabuse.gov/publications/drugfacts/marijuana>

- Addresses full span of questions (i.e. is it addictive, is it a gateway drug, long-term effects)

<Budney Article.pdf>

<Hopfer Article.pdf>

<Budney and Hughes.pdf>

MARIHUANA ADDICTION TREATMENT, PREVENTION AND EDUCATION

WHEREAS large profits will be made by the Federal Government in the form of taxes once the Liberal Government passes legislation permitting the recreational use of Marihuana in Canada. Enormous profits will be made through the manufacture, production and distribution of Marihuana.

AND WHEREAS the human cost will be in the 100's of Millions possibly Billions of dollars. The tragic loss of humanity through addiction is immeasurable. By legalizing Marihuana the Federal Government will sanction and subsequently legitimize its use among Canadians.

AND WHEREAS if we have learned anything from the use of alcohol and tobacco there will be serious and often irreversible effects due to marihuana consumption. Treatment facilities have to be available for immediate and adequate response for all Canadians, not just for those who can afford private care. Trained professionals, care facilities and education have to be ahead of the need.

AND WHEREAS it is well studied that a proportion of any population is susceptible to becoming dependent on an addictive substance. This adds up to 10's even 100's of thousands of Canadians.

AND WHEREAS we have seen huge legal assessments against tobacco and alcohol producers after the harm has already been done and lives lost. Decades ago tobacco producers denied the harmful effects of smoking, second hand smoke and the addictive nature of tobacco smoking. Health risks and the potential for addiction cannot be denied and is the direct responsibility of the Federal Government and manufacturers, producers and distributors of Marihuana.

THEREFORE BE IT RESOLVED that council request that, the Federal Government commit all its tax revenue derived from the sale of marihuana that has not been designated to the provinces, for use in treatment, prevention and education.

BE IT FURTHER RESOLVED that that those involved in the manufacture, production, distribution and sale of marihuana be required to establish a minimum 500 million dollar trust for the treatment of addicted persons in Canada.

BACKGROUND

See attached.



SUNSHINE COAST REGIONAL DISTRICT
AVICC BACKGROUNDER FOR
BC FERRIES MEDICAL PRIORITY LOADING

I. BACKGROUND:

At the Sunshine Coast Regional District Regular Board meeting of February 8, 2018 the following resolution was approved for submission to AVICC

BC Ferries Medical Priority Loading

WHEREAS individuals residing in ferry dependent communities who are travelling in relation to significant medical procedures are not automatically given priority loading on BC Ferries which can result in delays and unnecessary suffering;

AND WHEREAS applications for medical assured loading require advance planning which is not always possible given the variability of hospital stays and appointment times, and rely on medical practitioner time and awareness of the program:

THEREFORE BE IT RESOLVED that the Ministry of Health be requested to modify the Travel Assistance Program to ensure that patients from ferry dependent communities requiring significant medical procedures receive priority loading.

II. DISCUSSION:

The Sunshine Coast Regional District (SCRD) is advocating for changes to the Travel Assistance Program so that patients from ferry dependent communities who are required to travel for significant medical procedures will receive priority loading.

BC Ferries provides *medical assured loading letters* for medical travelers if they are requested by a physician or hospital on the patient's behalf. Once a request is approved by BC Ferries, the medical assured loading letter is then forwarded to the patient's home address. The patient must present the letter to the ticketing agent each time travel is required.

The current system for medical assured loading is burdensome for travelling medical patients. It puts the onus of initiating the request for assured loading on physicians and hospitals, it delivers the approval letter for assured loading to the patient's home when they are likely to be in a hospital or clinic away from home, and it is also a lengthy process that does not provide for situations where a patient is released on short notice from a hospital. Further, even with approved medical assured loading, patients must still arrive early at the ferry terminal (from 30-60 minutes prior to sailing depending on the route) to ensure adequate check-in time.

WHEREAS individuals residing in ferry dependent communities who are travelling in relation to significant medical procedures are not automatically given priority loading on BC Ferries which can result in delays and unnecessary suffering;

AND WHEREAS applications for medical assured loading require advance planning which is not always possible given the variability of hospital stays and appointment times, and rely on medical practitioner time and awareness of the program:

THEREFORE BE IT RESOLVED that the Ministry of Health be requested to modify the Travel Assistance Program to ensure that patients from ferry dependent communities requiring significant medical procedures receive priority loading.

From: Betty Tate [<mailto:betty.tate@shaw.ca>] **Sent:** Wednesday, February 14, 2018 2:11 PM **To:** Rachel Parker <rparker@cumberland.ca> **Cc:** Bunny Shannon <5779bunny@gmail.co> **Subject:** Re: AVICC resolution

Hi Rachel;

The island - wide collaboration is in it's very early stages and we have had only 2 meetings - one where the ED from Community Social Planning Council in Victoria came to a meeting with us last fall to discuss possibilities and then a meeting in November that we participated in with Community Social Planning Council - Victoria, Social Planning Cowichan and John horn, Social Planner from the City of Nanaimo in November in Cowichan. At that meeting we discussed how we could collaborate together and some of our common projects (such as Vital Signs Report <http://cvcfoundation.org/vital-signs/>) and common issues. We all thought we could collaborate on

- research and advocacy initiatives
- community education initiatives about social conditions (e.g housing, living wage, poverty)
- raise the profile of the importance of social planning across the island.

The website for our CVSPS is - <http://www.cvsocialplanning.ca>

The website for Community Social Planning Council in Victoria is -

<http://www.communitycouncil.ca/index.html>

The website for Social Planning Cowichan is -

<http://www.socialplanningcowichan.org>

Betty Tate
Vice Chair
CVSPS



Corporation of the Village of Cumberland

2673 Dunsmuir Avenue
P.O. Box 340
Cumberland, BC V0R 1S0
Telephone: 250-336-2291
Fax: 250-336-2321
cumberland.ca

File No. 0390-20
January 10, 2018

2018 AVICC Resolution

COMMUNITY SOCIAL PLANNING

WHEREAS the Comox Valley Social Planning Society has been in discussions with like organizations in the Capital Regional District, Cowichan and Nanaimo on sharing experiences and developing an Island wide collaboration;

AND WHEREAS it has been demonstrated that collaborative, cooperative planning processes increase the efficiency and maximize the impacts of the investments that all levels of government are making in assisting communities to respond to the increasingly complex and inter-connected social issues they face;

THEREFORE BE IT RESOLVED that Association of Vancouver Island and Coastal Communities through the Union of BC Municipalities request the provincial government to commit to providing sustained financial support for local community social planning processes that serve to support and integrate responses to social issues throughout British Columbia.



SUNSHINE COAST REGIONAL DISTRICT
AVICC BACKGROUNDER FOR
RE-EVALUATION OF RESOLUTIONS BY THE PROVINCE

I. BACKGROUND:

At the Sunshine Coast Regional District Regular Board meeting of February 8, 2018 the following resolution was approved for submission to AVICC:

Re-evaluation of Resolutions by the Province

WHEREAS UBCM, as the conduit between its members and the provincial government, endorses numerous resolutions of significance to all local governments;

AND WHEREAS there has been a change in provincial government:

THEREFORE BE IT RESOLVED THAT UBCM review previous resolutions to determine whether they should be re-submitted to the Province within the context of the priorities and policies of the new provincial government.

II. DISCUSSION:

The Sunshine Coast Regional District (SCRD) is advocating for a review of previously submitted UBCM resolutions to determine whether they should be reconsidered within the context of the priorities and policies of the new provincial government.

WHEREAS UBCM, as the conduit between its members and the provincial government, endorses numerous resolutions of significance to all local governments;

AND WHEREAS there has been a change in provincial government:

THEREFORE BE IT RESOLVED THAT UBCM review previous resolutions to determine whether they should be re-submitted to the Province within the context of the priorities and policies of the new provincial government.

ATTACHMENT B

Title: Ban the Sale of Puppies, Kittens and Rabbits in Pet Stores

Sponsor's Name: City of Nanaimo

WHEREAS, the sale of animals from pet stores is a prominent issue in British Columbia,

AND WHEREAS the BC SPCA is opposed to any breeding, transport, confinement or sale of animals that is likely to cause distress or suffering or where their welfare and socialization are likely to be compromised.

THEREFORE BE IT RESOLVED, that AVICC and UBCM encourage Local Governments to enforce a ban on the sale of puppies, kittens and rabbits in pet stores.



Staff Report

DATE OF MEETING December 11, 2017

AUTHORED BY BRAD MCRAE, CHIEF OPERATIONS OFFICER

SUBJECT SALE OF PETS IN STOREFRONTS

OVERVIEW

Purpose of Report

The purpose of this report is to provide Council with recommendations on whether to support the ban of pet sales in storefronts.

Recommendation

That Council regulate the sale of puppies, kittens and rabbits in storefronts, and direct Staff to amend the Animal Control Bylaw with specific conditions and requirements for stores to carry puppies and kittens.

BACKGROUND

On June 30, 2017, Mayor and Council received correspondence from Leon Davis, Branch Manager for the SPCA, requesting that Council consider the ban of sales of puppies, kittens, and rabbits in pet stores (Attachment 1). The SPCA provided justification for banning the sale of puppies, kittens, and rabbits and provided two options: an outright ban of sales, or continued sale with increased enforcement supported by Bylaw staff in partnership with SPCA Animal Protection Officers. These actions were supported in municipalities such as Richmond and New Westminster, with Vancouver considering similar actions. Nature Canada and the Stewardship Centre of British Columbia provided a letter requesting similar actions (Attachment 2).

Council then received correspondence from the owner of Paws n Jaws on August 14, 2017 (Attachment 3) providing explanations as to both their history, business model and citing lack of complaints or investigations by the SPCA.

Staff spoke with the SPCA Branch Manager, Leon Davis, regarding calls pertaining to Paws n Jaws in which the SPCA were required to act. Mr. Davis indicated that approximately six calls were fielded within a 10-year span and of those calls, only minor issues were reported. Major concerns from Mr. Davis were not the calls to the SPCA, but the source of the animals being brought in for sale.

Staff spoke with Barry Bender, owner of Paws n Jaws. Mr. Bender stated that, in addition to his comments provided in his letter to Council, he has had no investigations from the SPCA in over three years. When City Bylaw Officers approached the business to request the ceasing of sales of rabbits due to the containment of rabbits contravening the City's Animal Control Bylaw

No. 4323(9)(a), the owners complied upon being notified and city staff served no tickets. Staff have received several emails in support of the ban of sales of puppies and kittens. |

OPTIONS

1. Bylaw to regulate the sale of puppies, kittens, and rabbits (Recommended)

That Council regulate the sale of puppies, kittens and rabbits in storefronts, and direct Staff to amend the Animal Control Bylaw with specific conditions and requirements for stores to carry puppies and kittens.

Summary of Option:

There have been very few calls to the SPCA regarding concerns, and those concerns have been minor in nature. Mr. Bender has complied with any requests from the City in regards to any violations.

In reviewing the request of the SPCA, it would be prudent to focus on a "Nanaimo" solution for the sales of these animals. As the SPCA has requested that it focus on puppies, kittens, and rabbits, should Council wish to move forward on this recommendation, the bylaw should only focus on these animals. The bylaw should focus on the care and treatment of animals as well as the level of inspections required as well as documentation provided to the City regarding where the pets are being sourced from. This will allow City staff to be able to determine if the animals are coming from reputable breeders.

Should this option be preferred, staff will be required to amend the Animal Control Bylaw with specific conditions and requirements for stores to carry puppies and kittens.

Budget Implication:

By adding this action onto the actions of current Bylaw Officers, this may require extra training at an unknown cost.

2. Status Quo

That Council not support the outright ban or regulation of the sale of puppies, kittens and rabbits.

Summary of Option:

City Staff have only acted on one occasion regarding the keeping of rabbits, in which Paws n Jaws was in contravention. The matter was resolved in an expedient fashion with the owner ceasing sales of rabbits with no fines being issued.

The matter of sales and breeding of cats and dogs has been under review by the Provincial Government since 2016 in which a consultation summary paper was published. It appears as though the Province may be moving forward in the future to provide either a regulatory or licensing scheme (or a combination of both) to identify responsible and irresponsible breeders. They City may wish to consider suspending any further action pending potential actions by the Province.

3. Ban of the sale of puppies, kittens, and rabbits

That Council support the outright ban of the sale of puppies, kittens and rabbits, and allow the continuation of the sale of pets with requirements, as per a Bylaw Amendment.

Summary of Option:

The outright ban of sales of these animals would stop the current owner of Paws n Jaws with selling puppies, kittens, and rabbits. As stated before, there are no pet stores in Nanaimo that sell rabbits with the discontinuance of sales by Paws n Jaws. While the Bylaw provided by the SPCA delves into the sales of other species of animals, it is recommended that the City only review the matter in the context of puppies, kittens, and rabbits as some of the other species of animals mentioned are already prohibited by provincial legislation.

This action will result in lost revenue by the store owner as 40% of revenues accrued are from the sales of kittens and puppies.

SUMMARY POINTS

- Council has requested staff to bring back options regarding the sale of puppies, kittens, and rabbits within the City.
- The City and the SPCA have receive minimal calls for service regarding the safety and health of animals.
- Creating a bylaw would allow for the regulation of sale while minimizing the economic impact on local business.

ATTACHMENTS

Letter from SPCA dated June 30, 2017

Letter from Nature Canada dated July 24, 2017

Letter from B. Bender, owner of Paws n Jaws, dated August 14, 2017

Submitted by:

Brad McRae
Chief Operations Officer

June 30, 2017

Mayor and Council
455 Wallace Street
Nanaimo, BC V9R 5J6

RE: Regulation of Pet Stores, Kennels, Animal Day cares and Groomers in Nanaimo

Dear Mayor and Council:

The sale of animals from pet stores is a prominent issue in B.C., including in Nanaimo. A pet store that was operating in Burnaby shut down after consistent public protest and re-opened in Vancouver, facing the same public disgust and leading to a ban on the sale of cats, dogs and rabbits in Vancouver. Some of the same issues have been reported for the last 10 years with the store Paws N Jaws. The issues include the conditions the animals live before they are sold in the pet store, the source of the animals and the health of the animals while in store. There are regular reports to the BC SPCA of issues with pet stores, groomers, animal day cares and kennel operations – all businesses where animal care is at risk. The BC SPCA is opposed to any breeding, transport, confinement or sale of animals that is likely to cause distress or suffering or where their welfare and socialization are likely to be compromised.

Background

The City of Nanaimo has no regulations regarding pet stores or other high risk animal businesses including animal day cares, kennels and groomers. These are businesses that provide care to a large number of animals in a short period of time. The risks include, but are not limited to, a business having too few employees to appropriately manage the number of animals, providing inadequate space for the animals and not providing adequate training to employees.

Pet stores are a priority area as socialization is particularly important. Research demonstrates that inadequate socialization is a cause of fear and aggression later in life^{1,2}. It is extremely difficult for a pet store to provide enough staff time to adequately socialize a puppy, as most socialization needs to happen in the community and offsite, as you can see from this socialization checklist: https://drsophiayin.com/app/uploads/2015/12/Socialization_Checklist.pdf

In recognition of these issues, the Canadian Kennel Club and the Cat Fanciers Association, the two registries in Canada for purebred dogs and cats, do not permit breeders to sell to pet stores in their Codes of Ethics. Subsequently, any animals being sold in these stores are coming from unregistered breeders and breeders from outside of Canada.

¹ Casey, R.A., Loftus, B., Bolster, C., Richards, G.J., & Blackwell, E.J. (2014) Human directed aggression in domestic dogs (Canis familiaris): Occurrence in different contexts and risk factors. *Applied Animal Behaviour Science*, 152, 42-63.

² McMillan, F., Serpell, J., Duffy, D. Masaoud, E., & Dohoo, I. (2013) Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from non-commercial breeders. *Journal of the American Veterinary Medical Association*, 242(10), 1359-1363.

Subject: City of Nanaimo; BC SPCA's model bylaw recommendations for pet stores and other businesses that provide housing and care for companion animals.

Purpose

To share the evidence-based policy recommendations included in the 2017 update to the BC SPCA Model Animal Responsibility Bylaw regarding pet stores and other businesses that provide housing and care for companion animals.

Background

Pet stores, animal kennels, daycares, dog walkers and groomers take on considerable responsibility in caring for large numbers of animals on a daily basis. Owners and purchasers of animals experience information asymmetry as to the conditions where the animals are bred and housed. Bylaws for animal kennels, daycares, dog walkers, groomers and pet store businesses must adequately address both the increased level of responsibility required as well as the issues related to information asymmetry.

Recommendations

The below provisions are based on evidence of individual animal's needs as well as group care and health. While they are not individually referenced, content primarily derives from:

- CVMA: A Code of Practice for Canadian Kennel Operations. (2007, 2017 third edition forthcoming).
<https://www.canadianveterinarians.net/documents/Code-of-Practice-for-Canadian-Kennel-Operations>
- CVMA: A Code of Practice for Canadian Cattery Operations. (2009).
<https://www.canadianveterinarians.net/documents/a-code-of-practice-for-canadian-cattery-operations>
- Canadian Standards of Care in Animal Shelters: Supporting ASV Guidelines. (2013).
<https://www.canadianveterinarians.net/documents/canadian-standards-of-care-in-animal-shelters>

Pet store, Animal Kennel, Animal Day Care or Animal Groomer

1. Ensure that cages or other places where animals are kept:
 - 1.1. are maintained in good repair;
 - 1.2. are clean and sanitary;
 - 1.3. are regularly disinfected and free of offensive and disagreeable odours;
 - 1.4. are free of all animal waste, which the operator must dispose of in an appropriate manner;
 - 1.5. are well ventilated;
 - 1.6. are proportionate to the size and species of animal being kept within and allow room for the animal to stand to its full height, turn around with ease, and perform any other normal postural or behavioural movement without distress;
 - 1.7. have separation between food, urination and defecation, and resting areas;
 - 1.8. are equipped with appropriate containers for food and water;
 - 1.9. are fitted with an impermeable floor surface sufficient to support the weight of the animal without bending;
 - 1.10. for cats, each individual are provided with a litter box containing sufficient litter that accommodates their entire body.
2. Ensure all animals are provided with sufficient food, water, shelter, warmth, lighting, cleaning, sanitation, grooming, exercise, veterinary care and any other care necessary to maintain the health, safety and well-being of those animals.

While adequate regulation is crucial to ensuring good well-being of animal and prohibiting information asymmetry between animal businesses and Nanaimo residents, enforcement is equally important. Licencing inspectors who are trained to recognize distressing conditions for animals is a necessary component to ensuring pet stores and others do not step outside of reasonable boundaries for providing care for animals.

Considerations

Option 1: Given these considerations, the BC SPCA would be supportive of a ban on the sale of puppies, kittens and rabbits in pet stores, following the City of New Westminster, who made progressive steps in 2012 recognizing cat and rabbit overpopulation. The City of Richmond also recognized the suffering of purpose-bred animals being sold in pet stores and banned the sale of puppies in 2010. The City of Nanaimo is due for an update, either of the *Business Licence* or the *Licensing and Control of Animals*, to include the BC SPCA's latest recommendations (attached) regarding pet stores, kennels, animal day cares and groomers. This will ensure that any animal being confined or offered for sale is receiving adequate care. Adequate enforcement by trained licence by-law enforcement staff and through an established partnership with BC SPCA Animal Protection Officers where concerns about distress arise is also a crucial part of preventing suffering and ensuring the public's expectations of government are met.

Option 2: Though less likely to have public acceptability with Nanaimo residents, the City of Nanaimo could adopt the BC SPCA's by-law recommendations regarding animal care businesses (attached) without any specific ban in regards to puppies, kittens or rabbits. The City would still need to ensure adequate enforcement through trained license by-law enforcement staff and an established partnership with BC SPCA Animal Protection Officers where concerns about distress arise.

Recommendation

Given the evidence of the degree of suffering specifically relate to the sale of cats, dogs and rabbits from pet stores, the BC SPCA recommends the City of Nanaimo move forward with **Option 1**.

Yours sincerely,

Leon Davis
Branch Manager for the BC SPCA Nanaimo & District Branch
250-618-2618
ldavis@spca.bc.ca

Attachments: BC SPCA Nanaimo Bylaw Recommendations 2017-6-30

3. Ensure incompatible species of animals are not confined in the same enclosure.
4. When housing multiple animals in an enclosure, address all issues related to age differences, size differences and protective or aggressive behaviours related to resource guarding.
5. Ensure animals have a place to hide from visual contact with other animals and humans.
6. Always have age and species appropriate enrichment available for the animals.
7. Ensure that no animals are handled by members of the public except under the supervision of a qualified employee and animals are not handled when hiding or sleeping unless necessary for health or medical reasons.
8. Ensure that any animal in your care which is ill or injured is promptly examined and treated by a qualified veterinarian and that any necessary euthanasia and disposal of an animal is performed by a veterinarian.
9. Provide an area for the segregation of animals in your care which are injured, ill, or in need of special care, treatment or attention, from other animals on the premises.
10. Immediately notify the medical health officer whenever an animal in their care is, or appears to be, suffering from a disease transmittable to humans or other animals and keep the animal isolated from healthy animals until it has been determined by a veterinarian or the medical health officer that the animal is free of disease.
11. Do not employ any person who has been convicted of an offence involving cruelty to animals or has had animals seized pursuant to the Prevention of Cruelty to Animals Act.
12. Report suspected neglect or abuse to the Animal Cruelty Reporting Hotline (1-855-622-7722), including animals that arrive sick, injured or unsocialized.
13. Ensure that all persons who attend to the care of animals have the necessary skills, knowledge, training, abilities and equipment and supplies for the humane care of those animals.
14. Have in place a written emergency plan for fire and earthquake, including provisions for when no staff are on site.
15. every person or individual carrying on the business of or operating an animal day care must maintain, in English, a legible register of animals in care, which register shall contain the following information:
 - 15.1. the name, address and telephone number of the owner of the animal and emergency contact including the pet's registered veterinarian;
 - 15.2. the name, breed and species of the animal; and
 - 15.3. the licence tag number of the animal in care, if applicable, and provide a copy of such register to an Inspector upon request.

Pet store or Animal Kennel

1. Pair house puppies and kittens where possible to ensure adequate social development.
2. Do not separate any animal from its mother prior to it being weaned, and not before 8 weeks for puppies and kittens.
3. Enact and supply inspectors with an age-appropriate written socialization plan for puppies and kittens between 4 and 24 weeks of age, preventing the development of aggression and mitigating long-term fear and anxiety of unfamiliar circumstances.
4. Do not sell any animal to a person whom s/he has reasonable cause to believe to be under the age of 18 years.
5. Maintain a legible register in English, which records all transactions in which animals have been acquired, sold or otherwise disposed of, and provide a copy of such register to an Inspector upon request. Records must contain:
 - 5.1. the name and address of the person from whom the regulated agency acquired the animal;

- 5.2. the date of the acquisition;
- 5.3. a description of the sex and colouring of the animal, and of any tattoo, microchip number, or other identifying marking;
- 5.4. the date the licensee disposed of the animal; and
- 5.5. if the disposition is other than by sale, the method of and reason for such disposition.
6. At the time of sale of any animal, provide the purchaser with written instructions on the proper care and feeding of the animal, including:
 - 6.1. appropriate diet, including any recommended dietary supplements;
 - 6.2. proper handling techniques;
 - 6.3. basic living environment and, if applicable, type of enclosure, including appropriate enclosure size, lighting, heating, humidity control, materials and planting, substrate and recommended cleaning frequency;
 - 6.4. exercise needs, if any;
 - 6.5. any other care requirements necessary to maintain the health and well-being of the animal;
 - 6.6. any human health risks associated with the handling of the animal; and
 - 6.7. the pet store or kennel's return policy.
7. Do not give away any animal for free for any promotional purpose.
8. Do not sell an unsterilized kitten or rabbit unless the operator provides to the purchaser at the time of sale:
 - 8.1. a voucher that entitles the purchaser to have the kitten spayed or neutered, without further charge, at the office of a veterinarian practicing in the City of Vancouver, with the name, address and contact information of the veterinarian shown on the voucher; and
 - 8.2. written information describing the benefits of sterilizing cats and kittens.
9. For the sale of a dog, puppy, cat or kitten, provide the purchaser with:
 - 9.1. a dated and signed certificate from a veterinarian verifying the health of the animal and indicating that the animal has been de-wormed and vaccinated or inoculated for the disease(s) specified in the certificate;
 - 9.2. a description of the animal, including its species, sex, age, colour, markings, any tattoo or microchip, and breed or cross breed;
 - 9.3. the date of sale; and
 - 9.4. the name and address of the pet store or animal kennel including the name of the owner of the business.
10. Do not offer for sale:
 - 10.1. any of the animals listed in Appendix "A" of this bylaw;
 - 10.2. any aquatic or semi-aquatic turtle; and
 - 10.3. any unsprayed or unneutered rabbit, cat or kitten.
11. Must be in compliance with the most updated edition of the Canadian Veterinary Medical Association's *A Code of Practice for Canadian Kennel Operations*; *A Code of Practice for Canadian Cattery Operations* and the Canadian Advisory Council on National Shelter Standards, *Canadian Standards of Care in Animal Shelters*.

Contact

Leon Davis, branch manager, BC SPCA Nanaimo & District Branch, ldavis@spca.bc.ca, 250-618-2618

Appendix A:

LIST OF PROHIBITED ANIMALS

1. all nonhuman primates
2. all felidae, except the domestic cat
3. all canidae, except the domestic dog
4. all ursidae (bears)
5. all proboscidea (elephants)
6. all pinnipedia (seals, walrus)
7. all marsupials
8. all edentates (anteaters)
9. all xenartha (such as sloths, armadillos, and tamanduas)
10. all monotremata (spiny anteater and platypus)
11. all venomous or poisonous reptiles and amphibians
12. all reptiles and amphibians over 2ft adult size
13. all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
14. all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
15. all hyenidae (hyenas)
16. all hyracoidean (hyraxes)
17. all erinaceidae (tenrecs and hedgehogs)
18. all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
19. all procyonidae (raccoons, coatimundis)
20. all viverridae (civets and genets)
21. all herpestidae (mongooses)
22. all cetacea (whales, porpoises, dolphins)
23. all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat
24. all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
25. all lagomorphs (rabbits and hare), except the domestic rabbit
26. all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus the budgie, cockatiel, lovebird, finch, and canary; and
27. all saltwater fish.



Mayor Bill McKay and Council
City of Nanaimo
455 Wallace Street
Nanaimo, B.C.
V9R 5J6

July 24, 2017

sent via email to: bill.mckay@nanaimo.ca, bill.bestwick@nanaimo.ca,
diane.brennan@nanaimo.ca, gordon.fuller@nanaimo.ca, jerry.hong@nanaimo.ca,
jim.kipp@nanaimo.ca, ian.thorpe@nanaimo.ca, bill.yoachim@nanaimo.ca

Dear Mayor McKay and Council,

We are writing in support of the Nanaimo SPCA's call for the City of Nanaimo to ban the sales of dogs and cats in pet stores.

Most pet stores in Canada have signed on to a pet adoption location program offered by their local humane society or SPCA. We encourage Nanaimo pet stores to do the same.

As you may know, Nature Canada has undertaken a major national initiative, Keep Cats Safe and Save Bird Lives (catsandbirds.ca) to encourage Canadians to take better care of our cats, and thereby help not only the cats themselves, but also our country's struggling bird population. The Stewardship Centre for British Columbia is our BC partner in this initiative (stewardshipcentrebc.ca/cats-and-birds/)

There is a very significant overpopulation of cats, and so one of our policy planks is to encourage the public to adopt, not shop. This supports the system of shelters and other organizations that work with homeless cats. Every cat that is purchased from a pet store takes a spot away from a homeless cat, and supporting adoption is an important aspect of controlling cat overpopulation. Not only that, but cats and dogs adopted via shelters are sterilized, and animals purchased from stores usually are not.

Ending the practice of selling cats in pet stores is a key strategy in curbing Canada's cat overpopulation problem.



We urge you to ban the sale of cats and dogs in pet stores in Nanaimo.

Yours sincerely,

Eleanor Fast
Executive Director
Nature Canada

DG Blair
Executive Director
Stewardship Centre for BC

CC: BC SPCA
Nanaimo SPCA
Nanaimo News Bulletin

Subject: SPCA
From: Barry Bender
To: pawsnjaws@hotmail.com;
Date: Monday, August 14, 2017 3:00 PM

Good evening all & a special thank-you to all the supporters. I'm Barry Bender joint owner of Paws N Jaws with my wife. The SPCA is calling for a ban of sales of bunnies, kittens & puppies in Paws N Jaws. I totally agree there are too many bunnies & rabbits available. Yesterday I counted 42 ads on Kijji, Craigslist & Used Nanaimo. I have no idea how many rabbits those ads represented. Paws n Jaws haven't sold a bunny or rabbit for at least 2 years.

That's not the case for kittens. Yesterday, I counted 20 kittens for sale under \$200 & another 19 over \$200, some as high as \$1,500 on the 3 major internet sales sites: Kijji, Craigslist & Used Nanaimo. If you work it out that's 1 kitten for every 7,500 people in the Nanaimo district. Overabundance, I think not. We sold 16 kittens this year, likely no more for the rest of the year. The 16 kittens we sold this year is close to a 3rd what the 3 sites advertise in 1 day!

Did you know that less than a year ago Kijji, Craigslist & Used Nanaimo banned advertising from all pet stores. No exceptions. Sound fair?

Our store, Paws n Jaws, has been here since 1995 - 22 years. Add that to the pet store we had in Saskatchewan since 1978 - another 17 years for a total of 39 years.

I don't lie. I don't lie to my family, my friends, my staff or my customers. Here's my advertisement in the Nanaimo News Bulletin first published 6 days ago.

xx advertisement
xx

OK, let's talk about puppy sales. Puppies are 40% of our total sales before tax. Without puppy sales we would not be able to carry-on. The mall I rent from has a personal guarantee on the remaining 2 1/3 years of my lease - cost over \$200,000.

Besides, people love our store & we should be allowed to carry on long after I call it quits.

Perhaps my manager wants to take it over. People enjoy coming in looking at our puppies, animals, fish, you name it we probably have it.

The SPCA brought this to council without any warning or discussion. Their reasoning is that the majority of Nanaimo residents are opposed to us selling puppies & that New Westminster & Richmond have banned pet stores from selling puppies, therefore Nanaimo should as well. Kind of a clean sweep if you will. I'd been interested in where they got there stats from & take offence categorizing us with those mainland pet stores.

In just 6 days we received ³⁰²~~284~~ different signatures on our petition. We did not canvas outside of the store. The signatures only came from customers or browsers that came to our store. The petition reads as follows:

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Petition
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

As well we received 28 emails supporting our cause which were forwarded to the Mayor's office.
I'd like to read some.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX emails
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Now I'm going to read the contract all new puppy owners must sign.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx New puppy contract
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Now, does that sound like a store that doesn't care?

Option 2 would be the preferred route, but does have some unusual suggestions like:

Pair puppies & kittens where possible to ensure adequate social development. I think I'd even call the SPCA if I saw that.

The list says that we can sell bison, walrus, whales & dolphins - probably won't, but I'd sure like to continue selling reptiles & amphibians that grow over 2' adult size, tarantulas & scorpions, hedgehogs & even saltwater fish. Now I realize that a lot of people aren't excited about these animals, but you have to know that pet fanciers are a diverse group as we all are and would like to keep it that way.

With all due respect you could consider Option 3 and that's leaving things as they are.

Please listen as I ready this final Email.

xxxxxxxxxxxxxxxxxxxxxxxx C Higginson email
xx
her words not mine.

Thanks you and thank-you for all the support.

Barry Bender
Paws n Jaws

On Aug 14th, City Council is considering a ban on puppy sales in our store. If you think we should be allowed to continue offering puppies for sale, please sign this petition.

[illegible]

**CITY COUNCIL MEETING
AUGUST 14, 2017
CITY HALL 7PM**

Without any warning or discussion, the SPCA is asking our Nanaimo City Council to decide between 2 options.

Option #1 – A complete ban of puppy sales in our store or
Option #2 – Allowing puppy sales under new rules & regulations

We do not get our puppies from puppy mills, we buy from humane breeders and we know the difference (and it's a big difference). We provide care, exercise and love to our puppies. They are consistently socialized with people and other puppies. Veterinarians examine them at least twice; once before they are sold and once again within 3 days of being sold. Our puppies receive all necessary shots and medication while in our care. We know dogs and how to take care of them. We've been in the business in Nanaimo for 22 years.

Should City Council choose Option 1, the consequences would be emotionally and financially devastating for my family and staff. Paws n Jaws would not be able to survive without puppy sales. The penalty on our lease would likely be over \$200,000. This is the option the SPCA prefers.

We like Option 2 - in fact we welcome it. There has never been any regulations before. We hope you can support us on this and allow puppies to be sold in our store. If you like the freedom to shop at a locally owned pet store, to bring the kids to see all the different animals at Paws n Jaws or any other reason, please support us.

We welcome you to our store inside North Town Centre Mall to sign our petition. Please send an email supporting Option 2 to: pawsnjaws@hotmail.com or send a note to the Mayor or City Council in support of Option 2. The council meeting is Monday, August 14, 2017 at 7pm and open to the public. Please, we need your help.

Thank you,



The Benders, Proud owners of
Paws n Jaws since 1995

The claim that Paws N Jaws is sourcing dogs from Puppy Mills is totally unfounded. The spaniel purchased from Paws N Jaws 3 years ago is in perfect health and has no behavioural issues at all. She brings much joy to my family. She came from a breeder in Alberta that the owner of Paws N Jaws knows personally.

I also own a former "puppy mill dog" that I rescued from an acquaintance when he was 1 yr old. The now 8 year old Shih Tzu that I rescued has had non-stop health and skin problems and even lost an eye over the years. I understand fully the repercussions that puppy mills have on the animals as I have lived it.

I recently adopted a rabbit from the Nanaimo SPCA. While there I also looked at the dogs and noticed they were all large mixed breed dogs and there were very few. Even currently on the SPCA website there are only 3 dogs available for adoption and they are all large or medium breed dogs. Paws N Jaws only sells small breed dogs and always has. These are not the same dogs that tend to end up at the SPCA.

By making it illegal for stores to sell puppies, it just creates a black market for dogs. At least when dogs are being sold in store it is right out in the open, you can check on their health and living conditions. If people cannot buy a puppy at the store, they turn to unaccredited breeders on Kijiji and other websites. That leads to a whole industry that's totally unregulated. Paws N Jaws is the only store on the Island selling puppies at this time.

I personally have been going into Paws N Jaws on a regular basis for 5 years and can attest to the cleanliness of the puppy enclosures. The puppies are rarely there for more than 2 weeks before someone takes them home. I also know that when there is only 1 puppy left from a litter that hasn't been sold, the owner or manager will take them home at night so they are not lonely.

Lastly, I want to point out that Paws N Jaws is an island family owned business. I would hate to see yet another independent pet store close down on the island. It has been happening at a steady rate for the past few years. Big box stores are picking up the slack and we all know that money does not stay here on the island.

Fw: option 2

barry bender

Sun 2017-08-13 2:50 PM

Sent Items

To: bill.mckay@nanaimo.ca <bill.mckay@nanaimo.ca>:

From: penny rogers
Sent: August 11, 2017 10:10 AM
To: pawsnjaws@hotmail.com
Subject: option 2

I most definitely support option 2 as a former business owner here in Nanaimo I find it shocking the position you have been put in. I know you are well aware of what it means to have a good reputation and how it affects business this is why I am sure you do not get your puppies from puppy mills. I have my self bought three puppies from your store over the past eight years all healthy right up to this day and all welcome members of our family.

I wish you well.

Penny Rogers

August 14th City Council meeting with regards to SPCA

Doug Johnston

Tue 2017-08-08 3:49 PM

To: bill.mckay@nanaimo.ca <bill.mckay@nanaimo.ca>;

Cc: pawsnjaws@hotmail.com <pawsnjaws@hotmail.com>; NANCY JOHNSTON

To Mayor McKay

My first request is to forward this email to every member of City Council as well as any staff that are involved with this motion.

When I first saw this item in the paper, my immediate reaction was "they can't be serious" **why do you think that your mandate provides you or the SPCA the right or the special expertise to determine as to where I should buy my dogs.**

I have been a customer of Paws and Jaws for years. We were incredibly fortunate to purchase our last dog from the Benders and "Chase" is an important part of our family.....we are often told by neighbours and people that we see during our daily walks that "have the best dog".

During our purchase, we were treated professionally and we were given outstanding after sales service on a variety of services from entities that were not even part of this store.

I can not help but note that this family hire employees, rents space and buys services and pays property taxes and utilities to the City of Nanaimo and hopefully, if government does not meddle, they will be able to pay income taxes to the Federal and Provincial government. I also can not help but note that the Benders have been in business for more than 22 years.....**do any of you or the SPCA actually believe that a business would be able to survive 22 years if they were selling mistreated dogs?**

The SPCA on the other hand receives most of their income in the form of charitable donations which means that they are substantially subsidized by the Federal and Provincial government as these donations are tax deductible. I also note that the City of Nanaimo provides a large annual grant to the SPCA.

So this is another case of "big government" thinking that they can do something better than what private enterprise has already been doing quite well.

The SPCA is NOT an elected body.....they have no right to determine where I purchase my pets.....if I or anyone else mistreats their animal, then they have a mandate to report this to the authorities

Although I understand that the SPCA has cleaned up its act, it was only 10 years ago that it was found that their executive staff was paying themselves exorbitant 6 figure salaries.....I wonder if the Benders have been so fortunate?

I would expect that any decision to restrict the Benders right to sell dogs should be defeated in a unanimous vote.

Pet Sales in Nanaimo

John Partyka

Sat 2017-08-12 8:06 PM

To: bill.mckay@nanaimo.ca <bill.mckay@nanaimo.ca>;

Cc: barry bender <pawshjaws@hotmail.com>;

To the Mayor and City Council of Nanaimo:

I think the SPCA promoted ban on commercial pet sales in Nanaimo is both ineffectual and unfair. Our local SPCA can't meet the current demand for puppies, so people will seek other (less regulated) sources, resulting in more "puppy mills", which is what the SPCA is supposed to be preventing. And it paints all pet suppliers (except the SPCA) with the same brush, regardless of the pet care standards they have in place.

Beneath their initiative there's an unstated and unproven assumption that they, the SPCA, provide better care for their pets than Paws'n Jaws, a small local business that is the sole surviving commercial puppy supplier in Nanaimo after 22 years. If they'd care to provide their best practice metrics for a fair test, I expect Paws'n Jaws would out-perform the SPCA in areas of cleanliness, puppy contact/space, medical treatment, owner education/follow-up... and of course, the ever essential cuddle quota.

We need puppy sale regulations, not bans. Thanks for reading this.


John Partyka


New Puppy Contract


Between:


And


Paws n Jaws
250-751-0751


 X It is the new owners responsibility to ensure your new puppy is properly supervised, cared for, and receives necessary veterinary care.

 X The new puppy must be seen by Island Veterinary clinic for a free exam, and be registered for the 30 day free trial of veterinary insurance within three days of purchase, or the puppy may see your vet of choice, within three days of purchase, at your expense, and be registered for a free trial of insurance.

 X You must ensure the new puppy is eating and drinking regularly, especially within the first week of purchase, and immediately contact Paws n Jaws at (250) 751-0751 during regular business hours, or email pawsnjawsalana@hotmail.com, after regular business hours if he/she is not.

 X You must not leave the puppy unattended for any length of time (no more than two hours), for at least the first week following purchase, and no more than four hours thereafter.

 X You must immediately contact Paws n Jaws at (250) 751-0751, during regular business hours, or email pawsnjawsalana@hotmail.com, after hours, if the puppy is showing any signs of illness, or stress (ei lethargic, sleeping a lot, not playing, diarrhea, vomiting, coughing, sneezing etc)

Customer Signature: 

Vet check

Time:

Date:

Clinic: _____

Option 2 (or neither)

Christine Higginson

Wed 2017-08-09 4:24 PM

From: pawsnjaws@hotmail.com <pawsnjaws@hotmail.com>

This is an email in support of Option 2 - Allowing puppy sales

Paws n Jaws is my husband's favorite store to visit. Puppies make people happy :) Why would anyone consider a ban on sales as a first step in dealing with puppy mills?
Are there ethical breeders within the SPCA organization that will have increased revenue if Paws n Jaws shuts down?

SPCA may be asking for council to chose Option #1 or Option #2 but council can choose neither option. Option #1 would likely bring a law suite and Option #2 would be another costly regulation that taxpayers would have added to a very long list of bills. The current bylaws are poorly enforced. Making another regulation in no way makes the problem go away. How many times have you seen trash thrown at the base of a "no dumping" sign? When is the last time you heard of the noise control bylaw #4750 being enforced in Nanaimo? Specifically section 4.1(c) where the following is prohibited:

(c) Being in the care or control of any vehicle, except for buses and trucks, which creates or emits a noise or sound which is audible beyond 150 metres in any direction from the vehicle.

This happens to be my personal pet peeve - as motorcycles just keep getting louder and louder...

I hope the joy of seeing the puppies at Paws n Jaws is not robbed from Nanaimo residents. It would be better for the industry to regulate itself.

Sincerely,

Christine Higginson



1903 Mt. Newton Cross Road | Saanichton, BC Canada | V8M 2A9 | 250.652.4444

January 24, 2018

File No. 0390-20/18

Association of Vancouver Island and Coastal Communities
525 Government Street
Victoria, BC V8V 0A8

Re: Request for the New Provincial Government to Review Requirements for Public Notification

The Municipal Council at its Regular Council Meeting held on Monday, January 15, 2018, unanimously endorsed the following resolution and requests consideration of same at the 2018 Annual Meeting.

That Central Saanich Council endorse the following resolution to the Association of Vancouver Island Coastal Communities and UBCM.

Whereas the primary purpose for provincial legislation requiring public notification should be to help municipalities notify residents based on what the metrics demonstrates and based on getting the best value for limited money; and,

Whereas printed newspapers are no longer the only or most effective means of giving public notice and yet the Local Government Act and the Community Charter specifically require that all public notices be published in a print newspaper; and,

Whereas with a new provincial government and new technologies this resolution is aimed at better notifying residents while ensuring money spent on notification is effective:

Therefore be it resolved, that the provincial government be requested to review the Local Government Act and the Community Charter and consider modernizing the language so that newspapers, social media, web sites and other forms of online advertising are all given an equal footing for municipalities to consider how to best inform their residents.

Yours truly,

Liz Cornwell
Corporate Officer
District of Central Saanich

**STAFF REPORT**

TO: Committee of the Whole **MEETING:** January 9, 2018

FROM: Jacque Hill
Manager, Administrative Services **FILE:** 0230-20-AVICC

SUBJECT: AVICC Resolution – Notice by Mail

RECOMMENDATION *Please note: The recommendation was varied by the Committee*

That the following resolution be forwarded to the Association of Vancouver Island and Coastal Communities for consideration at their annual meeting:

WHEREAS Section 220 of the *Local Government Act* requires that notice of a special board meeting must be mailed to each Director at least 5 days before the date of the meeting, and the *Interpretation Act* specifies that such mail must be delivered by Canada Post;

AND WHEREAS this requirement, which applies to regional districts and not municipalities, creates unnecessary time delays for holding special board meetings and is not in keeping with technological advances of recent years;

THEREFORE BE IT RESOLVED THAT the Province be urged to amend the legislation to permit such notices to be provided by other means, including by email.

SUMMARY

As per Board direction, a resolution has been drafted for consideration by the Board for submission to the Association of Vancouver Island and Coastal Communities (AVICC) recommending legislative changes to notice requirements for Directors.

BACKGROUND

The legislative requirements for timing and process to provide notice of special meetings can be onerous and is not in keeping with current technology. The *Local Government Act* requires that notice of a special board meeting must be mailed via Canada Post to each Director at least 5 days before the date of the meeting which creates unnecessary time delays for holding special board meetings, and is not in keeping with technological advances of recent years.

As a result, the following motion was adopted at the October 3, 2017, Regular Board meeting:

“That staff be directed to draft a resolution for consideration by the Board and submission to the Association of Vancouver Island and Coastal Communities, recommending legislative changes to notice requirements for Directors.”

ALTERNATIVES

1. That the Board adopt the resolution as presented for submission the Association of Vancouver Island and Coastal Communities.
2. That the Board provide alternative direction.

FINANCIAL IMPLICATIONS

There are no financial implications to advancing this resolution.

STRATEGIC PLAN IMPLICATIONS

Submitting the resolution to the AVICC supports the Strategic Priority to ensure our processes are as easy to work with as possible.



Jacquie Hill

jhill@rdn.bc.ca

December 21, 2017

Reviewed by:

- W. Idema, Acting General Manager, Corporate Services
- P. Carlyle, Chief Administrative Officer

NOTICE BY MAIL

WHEREAS Section 220 of the *Local Government Act* requires that notice of a special board meeting must be mailed to each Director at least 5 days before the date of the meeting, and the *Interpretation Act* specifies that such mail must be delivered by Canada Post;

AND WHEREAS this requirement, which applies to regional districts and not municipalities, creates unnecessary time delays for holding special board meetings and is not in keeping with technological advances of recent years;

THEREFORE BE IT RESOLVED THAT the Province be urged to amend the legislation to permit such notices to be provided by other means, including electronic mediums.

For the Committee of the Whole Meeting of February 8, 2018

Subject: Resolution: Advocacy for Review of Board of Variance Process

Emilia Madoff
Councillor Madoff

WHEREAS the *Local Government Act* requires local governments to appoint to appoint Boards of Variance that are empowered to consider minor variances where a person alleges that complying with a bylaw respecting the siting, size or dimensions of a building would cause them hardship;

AND WHEREAS deliberations of local Boards of Variance provide minimal opportunities for public comment on the requested variances, and provide no role for comment from the elected council of a municipality or the board of a regional district in unincorporated areas;

THEREFORE BE IT RESOLVED THAT the provincial government review the current provisions in the Local Government Act relating to Boards of Variance and consider amendments to ensure that the interests of public accountability, transparency, and local democracy are upheld.

SHORT TITLE: **Local Improvement Charges**

Sponsor's Name: **City of Powell River, British Columbia**

WHEREAS the Provinces of Nova Scotia and Ontario allow municipalities to offer homeowner financing through local Improvement charges to fund improvements to private homes upgrading the energy efficiency of the home and/or adding renewable energy options to the home; and

WHEREAS these improvements reduce energy costs to the homeowner for the lifecycle of the home while reducing energy use and greenhouse gas emissions within the community; and

WHEREAS the local improvement charge model reduces the burden of debt from the homeowner and the debt stays with the house in the form of a property tax until paid off;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities (AVICC) request the Province of British Columbia to approve enabling legislation to allow municipalities to provide private property owners financing for energy efficiency retrofits and renewable energy upgrades to their homes through the use of local Improvement charges.

Local Improvement Charges

BACKGROUND

Opportunity to reduce greenhouse gas (GHG) emissions at the household level has been identified through a replication of the Halifax Regional Municipality Solar City Program.

As it has been ascertained that cost recovery for municipally-installed solar energy technology on private property is not eligible under the British Columbia Local Improvement Charge legislation it is timely to consider removal of this legislative restriction.

This Greenhouse II: Building Momentum on Green Jobs and Climate Action Through Energy Retrofits Across Canada (Columbia Institute, Duffy & Beresford, March 2016) states:

“If LIC financing programs are going to be part of the solution to Canada’s GHG reduction strategy, municipalities need their provincial governments to write clear enabling legislation and regulations. Nova Scotia and Ontario are the first two Canadian provinces to move on LIC-based municipal financing for energy efficiency and renewable energy improvements on private property. In both provinces, enabling the use of LIC financing entailed amendments to provincial legislation governing municipalities and their use of local improvement charges.

In general terms, these provincial amendments were required to:

- Clarify what kinds of local improvements can be done (i.e., include energy efficiency works and renewable energy works);
- Clarify where the local improvements can be carried out (i.e., private property) and who can access local improvement funding (i.e., individual property owners); and
- Allow municipal councils to approve LIC programs as a whole rather than requiring bylaws to be passed for each individual local improvement.”

British Columbia is among the majority of provinces without the enabling legislation to allow municipal LICs for municipally-installed solar energy technologies. The most effective way to advocate for provincial enabling legislation is through a UBCM resolution which confirms the collective will of the 195 local governments of British Columbia.

THE CORPORATION OF THE CITY OF COURTENAY

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



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

City File No.: 1950-01

January 22, 2018

Association of Vancouver Island
 And Coastal Communities
 525 Government Street
 Victoria, B.C. V8V 0A8

RECEIVED

JAN 26 2018

Re: 2018 Resolution

Please be advised that the City of Courtenay submits the following resolution for the 2018 AVICC Annual General Meeting:

***Active Transportation Infrastructure
 City of Courtenay***

WHEREAS in order to respond to the evolving needs of British Columbians and to diversify the economy, local governments across BC have developed and started to implement: forward-thinking transportation plans, downtown revitalization plans, age-friendly community plans, innovative recreation plans, and Integrated Community Sustainability Plans-whose timely implementation will require significant investments in active transportation;

AND WHEREAS the operational costs of municipal governments and the costs of basic municipal capital projects have increased significantly over the last 10 years:

NOW THEREFORE BE IT RESOLVED that the AVICC and UBCM call on the provincial government to establish a new, dedicated provincial fund to help finance a broad range of active transportation infrastructure projects and programming by local governments, and designed to support: local residents' diverse mobility needs, access to affordable recreation options, and tourism development.

I trust the above is satisfactory, and please do not hesitate to contact me if you require further information.

Yours truly,

John Ward, CMC
 Director of Legislative and Corporate Services
 Deputy Chief Administrative Officer

Background

Communities on the Move Initiative:

How the City of Courtenay could be involved and how this would benefit the City

What is Communities on the Move?

The [Communities on the Move declaration](#) brings forward a comprehensive and cohesive set of recommendations for how the provincial government could accelerate the development of world-class transportation systems in communities throughout BC. It outlines the need for increased provincial investments and supportive public policies to support active, healthy, and complete communities.

The [Communities on the Move declaration](#) sends a positive message. The recommendations put forward in the declaration address multiple issues related to community livability.

The Communities on the Move *vision* is that, in 10 years--in communities small and large--it will be easy, safe and enjoyable to get around, whether by walking, biking, public transit, driving, ride-sharing or in a wheelchair.

A diversity and growing number of BC municipalities and high-profile organizations have already endorsed the Communities on the Move declaration, including:

- The BC Healthy Living Alliance
- The Heart & Stroke Foundation
- The Canadian Cancer Society
- The Public Health Association of BC
- The BC Recreation and Parks Association
- The Trails Society of British Columbia
- Walk on BC
- The BC Cycling Coalition
- The [Disability Alliance BC](#)
- The Surrey Board of Trade
- The [Hastings Crossing Business Improvement Association](#)
- The Sechelt Downtown Business Association
- The City of North Vancouver; the City of Victoria; the Village of Cumberland; the District of Tofino; the Village of Tahsis; the City of Parksville; the City of Penticton; the Village of Keremeos; the City of Dawson Creek, the Village of Queen Charlotte; the Town of Creston; the Town of Gibsons; the [Squamish-Lillooet Regional District](#), etc.

What does Communities on the Move ask for?

- Investment in a Provincial Active Transportation Strategy to support the development of local cycling and walking infrastructure.
- Investment in innovative transportation systems for rural communities.
- Increased support and long-term funding for transit.
- Development of Winter City Guidelines.
- Commitment to equitable transportation for all.
- Commitment to road safety.

To review the entire Communities on the Move Declaration (two-page-long), see attached [PDF](#).

How can the City of Courtenay get involved in Communities on the Move?

There are two ways the City of Courtenay can become part of the Communities on the Move initiative:

- 1) By endorsing the Communities on the Move Declaration.
- 2) By submitting a resolution in support of Communities on the Move to the [Association of Vancouver Island and Coastal Communities](#) for consideration at the 2018 AVICC Annual General Meeting and Convention.

How can Communities on the Move benefit the City of Courtenay?

This initiative provides a cost-effective way for the City of Courtenay to voice how the provincial government could further support municipal leadership in creating more livable, healthy communities.

By endorsing this initiative and by submitting a resolution to AVICC, we'd be joining scores of BC municipalities in providing the Province with a clear, unified, and broadly-supported direction to enhance transportation options in BC communities.

Implementation of the recommendations outlined in the Communities on the Move declaration would provide the City of Courtenay with funding to implement our new Transportation Plan. It would also support the achievement of our downtown revitalization goals, help to create infrastructure for cycling tourism on Vancouver Island, and facilitate achievement of the City of Courtenay's objectives related to: building a safer and age-friendly community; reducing GH emissions, and creating diverse recreation options for residents and visitors of Courtenay.

Proposed Council Resolutions for the January 15, 2018 Council Meeting

That the City of Courtenay endorses the Communities on the Move declaration published on the BC Alliance for Healthy Living's website.

That the City of Courtenay adds its name to the growing list of endorsers of the Communities on the Move declaration.

That, by February 13, 2018, the City of Courtenay submits a resolution to the [Association of Vancouver Island and Coastal Communities](#) (AVICC) Annual General Meeting and Convention asking the provincial government to implement the recommendations outlined in the Communities on the Move declaration.

Follow-Up

To get assistance with following-up on the above resolutions, City of Courtenay Staff and officials can contact: Alice Miro at: alice.miro@heartandstroke.ca or: 778-372-8007



Communities on the Move Social Media Toolkit

Hashtag: #MoveBC

Where to find us:






BCHLA Facebook	BC Healthy Living Alliance
BCHLA Twitter	@bchealthyliving





How to use social media to promote Communities on the Move:





1. FOLLOW US	Follow us on Facebook and Twitter and LIKE, SHARE, and COMMENT on our posts tagged with #MoveBC
2. CREATE POSTS	Create posts on social media using the hashtag #MoveBC and/or mentioning us. Please remember to direct people to the declaration and endorsement page using the link: http://ow.ly/dGeg3oaDGM2
3. USE OUR POSTS	Feel free to use any of these sample posts that we made for you. If you have any questions about these, please e-mail or call your BCHLA contact for support.

Sample Twitter Posts:






Communities on the Move Posts:	Image:	Name of Image:	Link:
General Messages			
You can use your voice to #MoveBC. Endorse Communities on the Move and help build a better BC: http://ow.ly/dGeg3oaDGM2		Help Us	http://ow.ly/dGeg3oaDGM2



<p>Want to promote a healthier BC? Ask @BCGovnews to invest in #ActiveTransportation. Here's how: http://ow.ly/dGe930aDGM2 #MoveBC #BCPoli</p>	 We urge The BC Government to invest in Active Transportation to create a healthier BC. bchealthyliving.ca/movebc	Invest	http://ow.ly/dGe930aDGM2
<p>Health Messages</p> <p>Tell your government official you want support for better health, through #ActiveTransportation. Learn more: http://ow.ly/LfWW30aDJ2V #MoveBC</p>	 Decrease your risk of chronic disease, by using active transportation bchealthyliving.ca/movebc	Decrease	http://ow.ly/LfWW30aDJ2V
<p>Make roads safe for all British Columbians. Endorse Communities on the Move and make them a safer place: http://ow.ly/dGe930aDGM2 #MoveBC</p>	 Road safety is important for both pedestrians and cyclists. Let's invest in life bchealthyliving.ca/movebc	Road Safety	http://ow.ly/dGe930aDGM2
<p>Want improved health and economic growth? Be a part of improving BC communities: http://ow.ly/dGe930aDGM2 #MoveBC #BCPoli</p>	 Active communities contribute to economic growth bchealthyliving.ca/movebc	Economic Growth	http://ow.ly/dGe930aDGM2
<p>Help make sure BC kids are #HealthyKids. Learn more: http://ow.ly/dGe930aDGM2 #MoveBC #Walk2School</p>	 Only 40% of children get the recommended amount of daily activity. Help support active kids bchealthyliving.ca/movebc	Kids	http://ow.ly/dGe930aDGM2



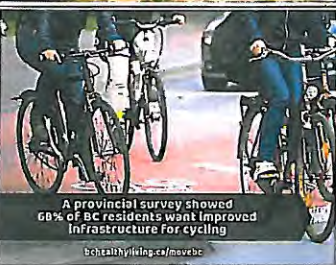
<p>Environmental Messages</p> <p>Make BC residents healthier, while protecting your environment. Show your support and #MoveBC: http://ow.ly/jeKD3oaDEpZ</p>	 <p><u>Easy</u></p>	<p>http://ow.ly/jeKD3oaDEpZ</p>
<p>Protect the environment, improve transportation choices and more. Get involved and #MoveBC: http://ow.ly/dGeg3oaDGM2</p>	 <p><u>Footprint</u></p>	<p>http://ow.ly/dGeg3oaDGM2</p>
<p>Help rural BC grow jobs and access to important services. You can #MoveBC towards a brighter future: http://ow.ly/dGeg3oaDGM2</p>	 <p><u>Rural 2</u></p>	<p>http://ow.ly/dGeg3oaDGM2</p>
<p>Tell @bcgovnews we need a Rural Transportation Strategy. Get involved in making BC more accessible: http://ow.ly/dGeg3oaDGM2 #MoveBC</p>	 <p><u>Rural Challenge</u></p>	<p>http://ow.ly/dGeg3oaDGM2</p>

Economic Messages		
<p>Tell the @BCGovNews you believe in investing in #ActiveTransportation. @TranBC can make a difference: http://ow.ly/PndF3oaDKxo</p>	 <p>Spend</p>	<p>http://ow.ly/PndF3oaDKxo</p>
<p>Cycling tourism creates jobs and builds the economy. Support #BCTourism and job growth in BC: http://ow.ly/1jOO3oaDFdc #BCPoli #MoveBC</p>	 <p>Tourism</p>	<p>http://ow.ly/1jOO3oaDFdc</p>
<p>Show your support for improving transit across British Columbia. Join Communities on the Move: http://ow.ly/pSMY3oaDFmG</p>	 <p>Increase</p>	<p>http://ow.ly/pSMY3oaDFmG</p>
<p>Show @BCGovNews you understand the importance of safe bike ways and #activetransportation: http://ow.ly/uNAE3oaDEWd #MoveBC</p>	 <p>Survey Bikes</p>	<p>http://ow.ly/uNAE3oaDEWd</p>

Sample Facebook Posts (remember to remove hanging link, after embedding):

Communities on the Move Posts:	Image:	Name of Image:	Link:
<p>You can use your voice to #MoveBC.</p> <p>Endorse Communities on the Move and help build a better BC.</p>		<p><u>Help Us</u></p>	<p>http://ow.ly/dGeg30aDGM2</p>
<p>Want to promote a healthier BC? Tell the Government of British Columbia to invest in active transportation</p> <p>Here's how to #MoveBC.</p>		<p><u>Invest</u></p>	<p>http://ow.ly/dGeg30aDGM2</p>
<p>Tell your government official you want support for better health, through #ActiveTransportation</p> <p>Learn more about how we can #MoveBC together.</p>		<p><u>Decrease</u></p>	<p>http://ow.ly/LfWW30aDJ2V</p>
<p>Make roads safe for all British Columbians.</p> <p>Endorse Communities on the Move and #MoveBC to become a safer place.</p>		<p><u>Road Safety</u></p>	<p>http://ow.ly/dGeg30aDGM2</p>
<p>Improved health and economic growth?</p> <p>Be a part of improving BC communities and #MoveBC.</p>		<p><u>Economic Growth</u></p>	<p>http://ow.ly/dGeg30aDGM2</p>

<p>Smart transportation makes communities healthier.</p> <p>Tell the <u>Government of British Columbia</u> you believe in supporting public and active transportation.</p>	 <p>Transit riders are 22% less likely to be an unhealthy weight. Those who walk or bike are 48% less likely.</p> <p>bchealthyliving.ca/movebc</p>	<p><u>Transit</u></p>	<p>http://ow.ly/dGeg3oaDGM2</p>
<p>Make BC residents healthier, while protecting your environment.</p> <p><u>British Columbia Cycling Coalition (BCCC)</u> explores the importance of funding for quality bike infrastructure.</p>	 <p>It's easy to be healthy and Eco-Friendly when you use Active Transportation</p> <p>bchealthyliving.ca/movebc</p>	<p><u>Easy</u></p>	<p>http://ow.ly/jeKD3oaDEpZ</p>
<p>You don't have to put up with poor service - you can tell the government to make transit safer/more convenient.</p> <p>Learn more about how you can #MoveBC</p>	 <p>We need safer and more convenient transportation options for rural BC communities.</p> <p>bchealthyliving.ca/movebc</p>	<p><u>Rural</u></p>	<p>http://ow.ly/dGeg3oaDGM2</p>
<p>Help rural BC improve access to work and important services.</p> <p>You can #MoveBC towards a brighter future.</p>	 <p>Rural BC communities need better transit access to regional centres, for work and essential services</p> <p>bchealthyliving.ca/movebc</p>	<p><u>Rural 2</u></p>	<p>http://ow.ly/dGeg3oaDGM2</p>
<p>Tell the <u>Government of British Columbia</u> we need a Rural Transportation Strategy.</p> <p>Get involved in making BC more accessible.</p> <p>#MoveBC</p>	 <p>Getting around without a car in Rural BC is a HUGE challenge. BC needs a Rural Transportation Strategy</p> <p>bchealthyliving.ca/movebc</p>	<p><u>Rural Challenge</u></p>	<p>http://ow.ly/dGeg3oaDGM2</p>
<p>Tell the <u>Government of British Columbia</u> you believe in improved access to active transportation.</p> <p>You can #MoveBC to make a difference.</p>	 <p>Leading countries annually spend \$27-\$40 per citizen on active transportation. Let's #MoveBC together</p> <p>bchealthyliving.ca/movebc</p>	<p><u>Spend</u></p>	<p>http://ow.ly/PndF3oaDKxo</p>

<p>Join the World Health Organization (WHO) in calling for improved transportation and you can help #MoveBC.</p>	 <p>Who</p>	<p>http://ow.ly/dGe93oaDGM2</p>
<p>Cycling tourism creates jobs and builds the economy.</p> <p>Join British Columbia Cycling Coalition (BCCC) in supporting cycling and walking for everyone.</p>	 <p>Tourism</p>	<p>http://ow.ly/1jOO3oaDFdc</p>
<p>Show the Government of British Columbia you understand the importance of safe cycling options and active transportation.</p> <p>#MoveBC</p>	 <p>Survey Bikes</p>	<p>http://ow.ly/uNAE3oaDEWd</p>



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

VISION

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

This vision is guided by the following VALUES:

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

How do we get there?

- **A Provincial Active Transportation Strategy**
 - Invest \$100M per year over the next 10 years to support the development of local cycling and walking infrastructure within a larger provincial network. Prioritize the completion of connected cycling and walking transportation networks.
 - Develop an Active Transportation unit within the Ministry of Transportation and Infrastructure to provide professional planning and policy expertise at the provincial level.
 - Invest in Active School Travel Planning and standardized cycling education for healthy, active children.
- **Investment in Transit**
 - Invest in the full implementation of the BC Transit Strategic Plan 2030 and local governments' 'Transit Future Plans' to grow transit service and meet local needs.
 - Ensure a fair share of capital funding and secure, predictable revenue tools for the full implementation of the TransLink Mayors' Council 10-Year Vision.
 - Continue and expand the universal bus pass (UPASS) program to students and employees of post-secondary institutions.
 - Invest in public transportation systems that serve small, rural, remote and isolated communities such as the use of school buses and bus services that feed into regional centres.
- **Commitment to Equity**
 - Ensure transit accessibility for people on disability assistance by increasing the affordability of transit passes.
 - Improve handyDART service to meet demand and to expand accessibility to evenings, Sundays and holidays.
 - Ensure funding is allocated geographically and equitably across the province. Recognize infrastructure deficits for pedestrian, cycling and transit modes as well as limitations faced by rural, remote, geographically isolated and small communities as part of funding criteria.
- **Consideration of Regional Needs**
 - Work with local governments to establish a Rural Transportation Strategy. Develop and invest in innovative community transportation systems, ride-sharing, tele-services and telecommuting options that can serve rural and remote British Columbians.
 - Develop and support the implementation of Winter City Guidelines that give residents the opportunity to be active all year long. This should include operational measures such as snow-clearing for active transportation networks and improved winter road maintenance.
 - Support the Metro Vancouver Mayor's Council to pursue alternative funding mechanisms.
- **Commitment to Safety**
 - Support the BC Road Safety Strategy Vision Zero: work with partners to create safer streets and to eliminate fatalities and serious injuries on the roads of BC. Speed limits should be reduced and strictly enforced, including through the use of cameras and other proven safety measures.
 - Prioritize safety measures for vulnerable road users such as pedestrians, cyclists and those in wheelchairs and mobility devices.



FAQ Sheet

1) What is *Communities on the Move*?

The *Communities on the Move* declaration is a statement about the need for more provincial investments to support active, connected, and healthy communities.

We want to see the provincial government making progressive investments that support active, connected and healthy communities.

2) Who is behind *Communities on the Move*?

Since its launch less than three months ago, in January 2017, the Communities on the Move declaration has already secured over 80 organizational endorsers, and the list is growing!

Communities on the Move is led by the BC Healthy Living Alliance, which brings together BC's top health charities in advocating for policies and programs that promote healthy living and chronic disease prevention in BC.

3) How can I find out more?

If you "google," "BC Healthy Living Alliance" or "BCHLA" + "Communities on the Move," you can find the initiative website: <https://www.bchealthyliving.ca/movebc/>

The Twitter hash tag is: #MoveBC

4) How was the *Communities on the Move* declaration developed?

The BC Healthy Living Alliance brought together and consulted with close to 20 organizations from across sectors to draft the Communities on the Move declaration.

As a result, the Communities on the Move declaration unifies transportation recommendations from multiple organizations under one shared vision and cohesive policy recommendation for BC.

5) Why are you recommending investing \$100M/year to support safe biking and walking?

Other global leaders are spending between \$27 and \$40 per person, per year to promote walking and cycling. If you account for BC's population, this would amount to approximately \$100M/year in BC.

This might seem like a lot but it's only 0.2% of the total annual Provincial budget (which was \$47 billions in 2016).

Also, to put it into perspective with other provincial investments: a typical highway interchange costs \$80-\$100M, and that's one project for one neighbourhood.

So, spending \$100 M for the entire province—in order to make BC a world leader for walking and cycling, has a good return on investment and broad benefits, province-wide. It's very cost-effective.

6) Do British Columbians want this?

A recent poll by the Heart and Stroke Foundation and the BC Healthy Living Alliance found that almost 80% of British Columbians would like to see the provincial government investing in making it easier and safer for people to walk or bike.

The same poll showed that 71% of British Columbians would walk or cycle more often if they had access to improved walking and biking routes and infrastructure.

Also economically this makes a lot of sense:

- 1.5 MILLION British Columbians are classified as inactive (not active enough to keep healthy)
 - Physical inactivity costs \$335M in direct healthcare costs annually in British Columbia
 - Building world-class communities for walking and cycling helps to attract tech sector companies and tourists
 - Bike tourism could bring significant dollars to BC:
- Studies found that tourists cycling tourism in Oregon "generated approximately \$400 million in 2012."
 - Another study estimated the amount spent annually by users of the provincial Route Verte bike path at \$134 million. This magnitude of cycling tourism spending generates over \$38 million in provincial government revenues and help supports 2,861 jobs (person years):
http://www.routeverte.com/e/retombees_e

Area: 06 - Courtenay
Jurisdiction: 204 - City of Courtenay

2017 ROLL TOTALS Supplementary/PAAB Cycle 10

Processed Date: 16/Dec/2017
Printed Date: 18/Dec/2017

		HOSPITAL TAXABLE VALUES			
Property Class	Occurrences	Gross	Land	Improvements	Net
Residential Vacant	352	Exempt	111,414,425		102,485,225
Residential Single Family	7,875	Gross	-8,929,200		
		Exempt	1,295,551,000	1,429,844,533	Net
Residential ALR	18	Gross	9,406,000		Net
Residential Farm	10	Exempt	-4,703,000		Net
Residential Strata	2,713	Gross	274,800,900	1,610,500	Net
		Exempt		-515,400	Net
Residential Other	317	Gross	57,637,500	267,950,200	Net
		Exempt	-4,746,200		Net
1 - *Total Residential *	11,285	Gross	1,748,809,825	1,823,741,833	Net
		Exempt	-18,378,400	-20,024,200	1,730,431,425
2 - Utilities	28	Gross	2,535,500	20,649,000	Net
		Exempt	-1,508,100	-3,131,100	Net
5 - Light Industry	12	Gross	2,516,100	2,987,900	Net
		Exempt		-110,000	Net
6 - Business And Other	996	Gross	338,628,261	706,617,600	Net
		Exempt	-46,201,031	-272,901,780	Net
8 - Rec/Non Profit	142	Gross	40,102,800	10,994,000	Net
		Exempt	-36,205,600	-10,644,600	Net
9 - Farm	24	Gross	1,440,857		Net
		Exempt	-720,434		Net
S.644LGA/398VC	7	Gross			Net
		Exempt			Net
Totals for Jurisdiction		Gross	2,134,033,343	2,564,990,333	Net
		Exempt	-103,013,565	-306,811,680	2,031,019,778
					2,258,178,653

Folio Count: 12,254
Active: 12,254
Reference: 0
Total: 12,254



SUNSHINE COAST REGIONAL DISTRICT

AVICC BACKGROUNDER FOR CYCLING INFRASTRUCTURE FUNDING

I. BACKGROUND:

At the Sunshine Coast Regional District Regular Board meeting of February 8, 2018 the following resolution was approved for submission to AVICC:

Cycling Infrastructure Funding

WHEREAS limited revenue sources constrain local government construction of active transportation facilities which support healthy lifestyles, local economic opportunities through tourism; and reduce congestion, greenhouse gas emissions and localized air pollution;

AND WHEREAS the current level of provincial cycling infrastructure grant funding is inadequate to meet the demand:

THEREFORE BE IT RESOLVED THAT the provincial government be urged to increase the BikeBC Fund to \$50 million per year.

II. DISCUSSION:

The resolution for Cycling Infrastructure Funding acknowledges that developing more cycling infrastructure is a priority for many local governments and is supported by Recommendation 81 of the BC Select Standing Committee on Finance and Government Services Report on the 2018 Budget Consultation as follows:

81. Create a provincial active transportation strategy, including increased investment in active transportation infrastructure, education and promotion, as well as safety initiatives.

The Ministry of Transportation and Infrastructure Service Plan dated September 2017 notes an investment of \$22 million dollars over three years for grant funding under the BikeBC program. The current level of grant funding is inadequate to meet the high demand from local governments who recognize the importance of developing cycling infrastructure to support healthy lifestyles, local tourism opportunities and mitigate the impacts of climate change. The Sunshine Coast Regional District (SCRD) is advocating for an increase to the BikeBC fund that is reflective of the high demand for grant funds and recognizes the need to expand revenue sources currently available to local governments for developing needed cycling infrastructure.

WHEREAS limited revenue sources constrain local government construction of active transportation facilities which support healthy lifestyles, local economic opportunities through tourism; and reduce congestion, greenhouse gas emissions and localized air pollution;

AND WHEREAS the current level of provincial cycling infrastructure grant funding is inadequate to meet the demand:

THEREFORE BE IT RESOLVED THAT the provincial government be urged to increase the BikeBC Fund to \$50 million per year.



Council Member Motion
For the Committee of the Whole Meeting of December 7, 2017

Date: November 23, 2017

From: Councillor Ben Isitt and Councillor Jeremy Loveday

Subject: Resolution: Protecting Local Waterways and Wild Fish Species

Recommendation:

THAT Council endorse the following resolution for consideration at the 2018 annual meeting of the Association of Vancouver Island and Coastal Communities, and directs staff to forward this resolution to First Nations governments on Vancouver Island and local governments belonging to AVICC requesting favourable consideration:

Resolution: Protecting Local Waterways and Wild Fish Species

WHEREAS British Columbia's coastal communities rely on healthy waterways and healthy marine ecosystems including fisheries for economic, social and ecological wellbeing;

AND WHEREAS the proliferation of open-net fish farms with non-native fish species threatens local waterways and wild fish species, undermining the economic, social and ecological wellbeing of local communities;

AND WHEREAS many open-net fish farms have been established in indigenous territories in the absence of adequate consultation with indigenous governments, undermining the shared objective of reconciliation and respectful relations between indigenous and non-indigenous governments;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia consult First Nations governments, local governments, conservation organizations and industry on a transition plan to closed-containment aquaculture, including a just transition for affected workers.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt".

Councillor Isitt

A handwritten signature in black ink, appearing to read "Jeremy Loveday".

Councillor Loveday

Protecting Local Waterways and Wild Fish Species

City of Victoria

WHEREAS British Columbia's coastal communities rely on healthy waterways and healthy marine ecosystems including fisheries for economic, social and ecological wellbeing and where the proliferation of open-net fish farms with non-native fish species threatens local waterways and wild fish species, undermining the economic, social and ecological wellbeing of local communities;

AND WHEREAS many open-net fish farms have been established in indigenous territories in the absence of adequate consultation with indigenous governments, undermining the shared objective of reconciliation and respectful relations between indigenous and non-indigenous governments;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia consult First Nations governments, local governments, conservation organizations and industry on a transition plan to closed-containment aquaculture, including a just transition for affected workers.



Request for DFO review of potential cumulative impacts of increased geoduck aquaculture

WHEREAS Fisheries and Oceans Canada (DFO) approved the Integrated Geoduck Management Framework in 2017 (IGMF);

AND WHEREAS the IGMF will lead to increased applications for geoduck aquaculture which has the potential to negatively impact the marine environment;

THEREFORE BE IT RESOLVED that UBCM request that DFO conduct an ecosystem-based study of potential and cumulative impacts of increased geoduck clam aquaculture and consider increased monitoring and enforcement.

Backgrounder

Fisheries and Oceans Canada (DFO) approved the Integrated Geoduck Management Framework 2017 based on research limited to the impact of geoduck clam aquaculture on the wild geoduck clam fishery. This approval ended a moratorium on geoduck aquaculture, which will lead to increased applications for geoduck aquaculture.

DFO has advised that applications will be assessed on a license-by-licence basis. There are concerns that DFO will not sufficiently consider the potential and cumulative impacts of increased geoduck clam aquaculture in the Salish Sea.

A November 2017 Islands Trust staff review of the available science did not result in an impression that there is scientific consensus that the potential impacts of intensive geoduck aquaculture, particularly in the intertidal zone, are certain to be minimal. Staff noted that many articles conclude with calls for additional research. The Islands Trust staff report on this topic is available on request.

Therefore, a DFO ecosystem-based study of potential and cumulative impacts of increased geoduck clam aquaculture review is required to adequately understand potential ecosystem and cumulative impacts of any new geoduck clam aquaculture licences. Among other topics, this study could address the impacts of:

- seeding and liquefaction processes on the ocean floor and intertidal beaches;
- predator/canopy netting and PVC pipes on marine life and microplastic levels; and
- introduction of new aquaculture on carrying capacity.

In addition, existing shellfish aquaculture operations are contributing to regional garbage and environmental issues due to insufficient attention to abandoned gear. Increased enforcement of existing licences is required.



200 - 1627 Fort St., Victoria, BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

February 8, 2018

File No.: 0230-20

Association of Vancouver Island and Coastal Communities
525 Government Street
Victoria, BC V8V 0A8

Dear Liz Cookson,

Re: 2018 Resolution -- Request for DFO review of Integrated Geoduck Management Framework

Please be advised that on February 7, 2018 the Islands Trust Executive Committee passed the following resolution for the 2018 AVICC Annual General Meeting:

That the Executive Committee directs staff to finalize and forward a resolution with backgrounder for consideration at the 2018 Association of Vancouver Island and Coastal Communities and Union of BC Municipalities conventions requesting DFO to conduct an ecosystem-based study of potential and cumulative impacts of increased geoduck clam aquaculture and consider increased monitoring and enforcement.

Please find attached the background information regarding this resolution.

I trust the above is satisfactory, and please do not hesitate to contact me if you require further information.

Yours truly,

Carmen Thiel
Corporate Secretary

Attach: Resolution and Backgrounder



**Council Member Motion
For the Committee of the Whole Meeting of February 8, 2018**

Date: February 2, 2018

From: Councillor Ben Isitt and Councillor Jeremy Loveday

Subject: Resolution: Uniform Business Regulations for Disposable Plastic Packaging

Recommendation:

That Council endorse the following resolution for consideration at the 2018 annual meetings of the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of BC Municipalities (UBCM), and direct staff to forward electronic copies of the resolution to local governments belonging to the AVICC and UBCM, requesting favourable consideration and resolutions of support:

Resolution: Uniform Business Regulations for Disposable Plastic Packaging

WHEREAS uniform regulations of businesses provide predictability, certainty and efficiency for consumers and business operators;

AND WHEREAS unrestricted use of disposable plastic packaging is inconsistent with values of British Columbia residents and imposes costs on local governments in British Columbia, prompting communities to examine options for business regulations limiting disposable plastic packaging in order to contain costs and manage solid waste streams responsibly;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia work with local governments and retailers to introduce uniform, province-wide business regulations in relation to disposable plastic packaging, to substantially reduce the volume of disposable plastic packaging in local solid waste streams.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt".

Councillor Isitt

A handwritten signature in black ink, appearing to read "Jeremy Loveday".

Councillor Loveday

Uniform Business Regulations for Disposable Plastic Packaging City of Victoria

WHEREAS uniform regulations of businesses provide predictability, certainty and efficiency for consumers and business operators;

AND WHEREAS unrestricted use of disposable plastic packaging is inconsistent with values of British Columbia residents and imposes costs on local governments in British Columbia, prompting communities to examine options for business regulations limiting disposable plastic packaging in order to contain costs and manage solid waste streams responsibly;

THEREFORE BE IT RESOLVED THAT the Province of British Columbia work with local governments and retailers to introduce uniform, province-wide business regulations in relation to disposable plastic packaging, to substantially reduce the volume of disposable plastic packaging in local solid waste streams.

Protecting Coastal Communities and Waterways from Oil Spills

BACKGROUND

Background:

<https://georgiastrait.org/press/province-proposes-restrictions-increased-bitumen-transport/>

Posted on January 30, 2018:

“Today, the Province announced five possible new regulations aimed at protecting our region from the threats of transporting bitumen and heavy oil. Included is the intention, that while a Science Panel conducts research into the unique properties and behaviour of bitumen, that the Province will restrict increases in the transport of this substance.

In response, Christianne Wilhelmson, Executive Director of Georgia Strait Alliance, said:

“With today’s proposed measures, the Province is acknowledging that diluted bitumen behaves differently than conventional oil. It is a hazardous and toxic substance. The best available science says it can sink or be suspended in water. Currently, there is no effective technology that exists to clean it up, making prevention the only safe approach to protect our local waters, communities, economies and ecosystems. We applaud the government’s decision to limit increases on new bitumen transports while it is being studied.

Strengthening the rules around response times for all types of spills, and an increased focus on the importance of geographic response plans are much needed regulations, and integrating all stakeholders will be critical to the outcome and will ensure local knowledge is incorporated when spills happen.

The precaution shown here as it relates to bitumen is very important and welcome, as a major oil spill would have local, economic, environmental and health impacts throughout the Salish Sea region. For example, a pipeline rupture over salmon-bearing streams would be extremely detrimental to some already weak and declining salmon stocks, regardless of whether the polluter is required to pay significant restitution costs.

We need only to look to the Kalamazoo River spill in 2010 to see how unprepared emergency spill response is, particularly when it involves responding to the unique properties of diluted bitumen. We commend the Province for recognizing these gaps and taking steps that prioritize protection and prevention before it’s too late.

At Georgia Strait Alliance, we look forward to reviewing and taking part in the Province’s consultations and discussion, and working to ensure regulations are based on the best-available science. These regulations should support the wellbeing of residents and the ecosystems that we depend on for a thriving economy and healthy communities.

Our expectation is that any results from the Panel will be applied to all existing transport of diluted bitumen as soon as possible—and that the federal government consider these measures as they relate to marine oil spills.”

SHORT TITLE: Protecting Coastal Communities and Waterways from Oil Spills

Sponsor's Name: City of Powell River, British Columbia

WHEREAS the Province of British Columbia is pursuing regulations to restrict the transport of diluted bitumen until such time as adequate safeguards are in place to protect coastal communities and waterways from the harm caused by oil spills; and

WHEREAS the impacts of oil spills on local communities are severe, including: costs relating to emergency response, clean-up and recovery; damage and loss of enjoyment of shoreline areas; damage to biological diversity of plant and animal species; reduced property values; public health impacts; and economic losses in tourism, fishing and other sectors;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities endorses the efforts of the Province of British Columbia to introduce regulations that will safeguard coastal communities and waterways from harm caused by oil spills.



Council Member Motion
For the Committee of the Whole Meeting of February 8, 2018

Date: February 6, 2018

From: Councillor Ben Isitt and Councillor Jeremy Loveday

Subject: Resolution: Protecting Coastal Communities and Waterways from Oil Spills

Recommendation:

That Council endorse the following resolution for consideration at the 2018 annual meeting of the Association of Vancouver Island and Coastal Communities (AVICC) and direct staff to forward electronic copies of the resolution to local governments belonging to the AVICC, requesting favourable consideration and resolutions of support:

Resolution: Protecting Coastal Communities and Waterways from Oil Spills

WHEREAS the Province of British Columbia is pursuing regulations to restrict the transport of diluted bitumen until such time as adequate safeguards are in place to protect coastal communities and waterways from the harm caused by oil spills;

AND WHEREAS the impacts of oil spills on local communities are severe, including: costs relating to emergency response, clean-up and recovery; damage and loss of enjoyment of shoreline areas; damage to biological diversity of plant and animal species; reduced property values; public health impacts; and economic losses in tourism, fishing and other sectors;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities endorses the efforts of the Province of British Columbia to introduce regulations that will safeguard coastal communities and waterways from harm caused by oil spills.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ben Isitt", written over a light blue grid background.

Councillor Isitt

A handwritten signature in black ink, appearing to read "Jeremy Loveday", written over a light blue grid background.

Councillor Loveday

Protecting Coastal Communities and Waterways from Oil Spills

City of Victoria

WHEREAS the Province of British Columbia is pursuing regulations to restrict the transport of diluted bitumen until such time as adequate safeguards are in place to protect coastal communities and waterways from the harm caused by oil spills;

AND WHEREAS the impacts of oil spills on local communities are severe, including: costs relating to emergency response, clean-up and recovery; damage and loss of enjoyment of shoreline areas; damage to biological diversity of plant and animal species; reduced property values; public health impacts; and economic losses in tourism, fishing and other sectors;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities endorses the efforts of the Province of British Columbia to introduce regulations that will safeguard coastal communities and waterways from harm caused by oil spills and that staff be directed to forward the resolution to the Premier of BC, the Minister of Environment, and Members of the Legislative Assembly representing the constituents of Vancouver Island.



**AVICC BACKGROUNDER FOR
WATERSHED GOVERNANCE MODEL**

I. BACKGROUND:

At the Sunshine Coast Regional District Regular Board meeting of February 8, 2018 the following resolution was approved for submission to AVICC:

Watershed Governance Model

WHEREAS UBCM has consistently advocated for providing water purveyors with greater control over the watersheds that provide drinking water to their communities;

AND WHEREAS an integrated watershed governance approach that recognizes Indigenous water rights and utilizes a collaborative, consensus building approach to decision making could provide a model that addresses community needs while balancing the resource and capacity limitations experienced by local governments and First Nations:

THEREFORE BE IT RESOLVED THAT the Province recognize and support local watershed collaborative governance entities and adequately resource these entities.

II. DISCUSSION:

The Sunshine Coast Regional District (SCRD) is encouraging the Province to support a multi-stakeholder local watershed governance model that recognizes indigenous water rights and takes a collaborative and consent-based approach to decision-making. These local watershed governance entities would be comprised of First Nations, different levels of government, local organizations and businesses, license holders, and possibly other actors, and would not compromise any participating party's autonomy or legislated authority.

Integrated watershed governance approaches have been previously discussed and supported by the UBCM. At the 2012 Convention, a "Collaborative Watershed Governance Accord Policy Paper" was adopted by the UBCM membership, making UBCM a signatory to the Accord. The purpose of the Accord was to encourage all orders of government, organizations, and commercial interests to work collaboratively for the benefit of watersheds, communities and economies that depend on them. The SCRD is advocating that the Provincial government recognize, support and provide adequate resourcing for local watershed governance entities that take integrated and collaborative approaches to decision-making in local watersheds.

WHEREAS UBCM has consistently advocated for providing water purveyors with greater control over the watersheds that provide drinking water to their communities;

AND WHEREAS an integrated watershed governance approach that recognizes indigenous water rights and utilizes a collaborative, consensus building approach to decision making could provide a model that addresses community needs while balancing the resource and capacity limitations experienced by local governments and First Nations:

THEREFORE BE IT RESOLVED THAT the Province recognize and support local watershed collaborative governance entities and adequately resource these entities.

BC Hydro LED Street Light Conversion

BACKGROUND

LED lights reduce energy consumption, maintenance burden (longer life, less components, more robust), improve lighting quality and performance and reduce hazardous risks and material management costs.

Many North American cities have already begun transitioning their street lights to LEDs to achieve significant energy savings and reduction of carbon emissions. LEDs can also improve lighting quality and public safety, which has been a key factor for cities like Las Vegas and New York to switch from HPS to LED streetlights. Los Angeles, currently the largest USA LED streetlight conversion program, has installed over 140,000 LED streetlights and realized efficiency savings of 65% and noted significant reduction in crime rates in various areas. Other cities have also started the switch to LED streetlights, including Vancouver, Surrey, Calgary, Medicine Hat, Hamilton, Edmonton, Kitchener, Waterloo, Mississauga and Victoria.



Figure 1. LED streetlight installation (right) adjacent to HPS installation (left)
[source: http://homelights.blogspot.ca/2011_04_01_archive.html]

LED Performance:

LED streetlights are 45 to 55% more energy efficient compared to HPS units. LED's are also expected to last up to four times longer than HPS, which will significantly reduce through-life maintenance costs, and resource requirements. LED's also have improved 'colour rendering', which is the ability of a light source to reveal the true colour of an object, which can be important in areas

LED Colour Temperature:

LED streetlights come in various hues of white, commonly referred to as "temperature". The temperature of the light depends on the amount of red(warm) or blue (cool) colour in the output. The streetlight industry has historically offered units in the "cool" white end of the colour spectrum (4,000K to 5,000K). The cooler temperature LEDs have been criticized in the past due to increased glare and their stark contrast from the warmer yellowish light associated with incandescent and the HPS streetlights, which are a warmer -2,700K temperature. During periods of low natural light, our eyes have developed to be more sensitive to the bluish or white light, and less sensitive to yellow and reddish light. The streetlight industry has recently begun to supply LED fixtures in the "warmer" 3,000K temperatures, at a similar efficiency and equivalent price of the cool, 4000K units.

LED Light Pollution and Health/Well-Being:

Light emitted away from an intended location is considered 'light pollution'. The International Dark Sky Association (IDA), who builds awareness of the negative impacts of light pollution, notes that light pollution has negative impacts on energy usage, operating costs, natural ecosystems, and human circadian rhythms. Light pollution that enters private, undesirable space is referred to as light 'trespass'.

LED fixtures are designed to manage both light pollution and light 'trespass', using the inherently good directional properties of LEDs, and a flat lens, which reduces the amount of light radiating from it compared to the round glass style HPS fixtures.

SHORT TITLE: BC Hydro LED Street Light Conversion

Sponsor's Name: City of Powell River, British Columbia

WHEREAS High Pressure Sodium (HPS) streetlights are a major energy burden to municipalities and contribute significantly to Green House Gas emissions and light pollution;

AND WHEREAS BC Hydro owns the majority (approximately 75%) of all municipal streetlights;

THEREFORE BE IT RESOLVED that AVICC request the Province of British Columbia to direct BC Hydro to begin an LED Streetlight Conversion Project to programmable LED streetlights in all municipalities.

Herring Recovery Plan and Moratorium

BACKGROUND

Herring are a key species in the ecology, economy, and cultures of the West Coast of Canada. Many species depend on herring for food, including: halibut, ling cod, rock fish, seals, sea lions, otters, an increasing population of humpback whales, and the declining chinook salmon as well as the endangered southern resident orcas who feed on them. First Nations, sport fishing, whale watching, and wildlife viewing all depend on a strong herring population.

After the crash of the mid-sixties, a 4-year DFO moratorium on commercial herring fishing supported partial recovery of herring populations by the early 1970s. But the subsequent herring roe fishery allowed by DFO was accompanied by stocks again declining in the 1980s.

It is our collective responsibility to ensure that herring populations recover and thrive throughout the coastal waters to sustain healthy marine ecosystems for all who depend on them.

We need a Herring Recovery Plan.

SHORT TITLE: Herring Recovery Plan and Moratorium

Sponsor's Name: City of Powell River, British Columbia

WHEREAS Fisheries and Oceans Canada, despite being mandated to use the precautionary principle when making decisions affecting fish populations, continues to open commercial herring fisheries in BC while populations are severely depleted from historic levels and ecosystem requirements are poorly understood; and

WHEREAS a previous moratorium on the commercial fishing of herring in the late 1960s resulted in significant recovery of herring populations;

THEREFORE BE IT RESOLVED that AVICC (UBCM) call upon Prime Minister Justin Trudeau to direct the Department of Fisheries and Oceans to develop a west coast herring recovery plan through a process involving First Nations, independent scientists, naturalists, other levels of government and relevant non-government organizations; and

BE IT FURTHER RESOLVED that a moratorium on all commercial fishing of herring in British Columbia be instituted immediately until populations recover to the level decided upon by the Herring Recovery Plan.



AVICC/UBCM Resolution - Protection of Native West Coast Salmon

RECOMMENDATION:

THAT the District of Sooke bring forward the following resolution to be considered at the Association of Vancouver Island and Coastal Communities 2018 Annual General Meeting for consideration:

Protection of Native West Coast Salmon

WHEREAS British Columbia's native west coast wild salmon can be negatively impacted by commercial salmon farms due to increased levels of diseases and parasites from farmed salmon; degradation of their genetic makeup through interbreeding with escaped farmed salmon; and ecological competition with escaped farmed salmon;

THEREFORE BE IT RESOLVED that AVICC and UBCM urge the Province of British Columbia to enact legislation that would protect British Columbia's wild salmon stock from the negative impacts of commercial salmon farms.

Previous Council Action:

Council directed staff to draft a resolution encouraging the protection of native west coast salmon for presentation at the 2018 AVICC conference at the September 11, 2017 regular Council meeting.

Report:

The September 11, 2017 resolution of Council followed the escape of thousands of farmed Atlantic salmon when nets were damaged at a San Juan islands salmon farm in August 2017.

Salmon farms can impact wild salmon stocks in three ways: genetically, ecologically and through the effects of diseases and parasites. The main genetic concern in the interbreeding that can occur between farmed and wild salmon. This interbreeding can disrupt their genetic adaptations thereby impacting their survival in the wild.

Ecological impacts of escaped farmed salmon can include competition for food and altered habitat. Many farmed salmon are more aggressive than wild salmon and can restrict food sources for wild salmon. Spawning habits of farmed salmon can be different from those of wild salmon and when farmed salmon spawn later than wild salmon they can dig up wild eggs thereby destroying them and when they spawn earlier, they can occupy the best spawning sites.

Finally, diseases and parasites can have potentially devastating effects on wild salmon populations. Viruses believed to be carried in mucus, urine and feces of salmon can create contagious areas for wild salmon near salmon farms and can also be transmitted by escapees. Sea lice can threaten wild stocks through parasitism resulting in increased mortality and premature return to freshwater.

To help preserve natural wild salmon stocks on the west coast of British Columbia, legislation to strictly regulate or ban commercial salmon farming is needed.

For information, the City of Victoria sent a late resolution to the 2017 UBCM convention but it was referred to the 2018 convention for consideration. A copy of this resolution is attached.

Attached Documents:

[2018 District of Sooke UBCM Resolution - Fish Farms](#)

[UBCM 2017 Resolution - Fish Farms](#)

Protection of Native West Coast Salmon

WHEREAS British Columbia's native west coast wild salmon can be negatively impacted by commercial salmon farms due to increased levels of diseases and parasites from farmed salmon; degradation of their genetic makeup through interbreeding with escaped farmed salmon; and ecological competition with escaped farm salmon;

THEREFORE BE IT RESOLVED that AVICC and UBCM urge the Province of British Columbia to enact legislation that would protect British Columbia's wild salmon stock from the negative impacts of commercial salmon farms.

Whereas British Columbia's coastal communities rely on healthy waterways and healthy marine ecosystems including fisheries for economic, social and ecological wellbeing;

And whereas the proliferation of open-net fish farms with non-native fish species threatens local waterways and wild fish species, undermining the economic, social and ecological wellbeing of local communities, and noting that many open-net fish farms have been established in indigenous territories in the absence of adequate consultation with indigenous governments, undermining the shared objective of reconciliation and respectful relations between indigenous and non-indigenous governments:

Therefore be it resolved that the Province of British Columbia decline any further permits for open-net aquaculture and phase out existing open-net operations, transitioning the industry to closed-containment aquaculture with a just transition for affected workers and adequate consultation with indigenous governments.

RESOLUTIONS COMMITTEE RECOMMENDATION:

Admit for Debate

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee understands that in late August 2017, several hundred thousand Atlantic salmon escaped from a commercial fish farm located in Washington State, close to British Columbia waters. The Committee further understands that following the escape, British Columbia fishers began seeing Atlantic salmon in their catch. Because the escape of Atlantic salmon from the fish farm occurred after the June 30, 2017 submission deadline for resolutions, the Resolutions Committee would suggest that this resolution raises an emergent issue and meets the criteria to be admitted for debate.

The Resolutions Committee notes that the UBCM membership has consistently endorsed resolutions supporting further development of closed-containment aquaculture, and expressing concern about potential negative environmental impacts of open-net fish farming in BC (2009-B127, 2006-B123, 2006-B151).

District of Sooke
AVICC/UBCM Resolution Submission - 2018

Adopted by Council at it's regular meeting on January 29, 2018

Protection of Native West Coast Salmon

WHEREAS British Columbia's native west coast wild salmon can be negatively impacted by commercial salmon farms due to increased levels of diseases and parasites from farmed salmon; degradation of their genetic makeup through interbreeding with escaped farmed salmon; and ecological competition with escaped farmed salmon

THEREFORE BE IT RESOLVED that AVICC and UBCM urge the Province of British Columbia to enact legislation that would protect British Columbia's wild salmon stock from the negative impacts of commercial salmon farms.

SHORT TITLE: Private Managed Forest Land

Sponsor's Name: City of Powell River, British Columbia

WHEREAS Section 21 of the Private Managed Forest Land (PMFL) Act is an unacceptable restriction on the authority of local governments to regulate activities on PMFL; and

WHEREAS local governments and communities would benefit significantly from PMFL owners sharing their management commitment, operations maps, harvesting plans and supporting assessments and long-term disposition or development intentions for their land; and

WHEREAS PMFL regulations are not equivalent to forestry regulations that apply to Crown forest land;

THEREFORE BE IT RESOLVED that AVICC and UBCM petition the Province to amend the PMFL Act and Regulations to provide local government more authority to regulate activities on PMFL; require the owners of PMFL to annual consultation and sharing of management commitments, operations maps, harvesting plans and supporting assessments and long-term disposition or development intentions for land within municipal boundaries; and amend the PMFL Act and regulations to standards that are equivalent to Crown forest land regulations.

Private Managed Forest Land

BACKGROUND

Section 21 of the Private Managed Forest Land Act restricts local government authority regarding uses of private managed forest land that would have the effect of restricting, directly or indirectly, a forest management activity.

“21 (1) A local government must not
(a) adopt a bylaw under any enactment, or
(b) issue a permit under Part 21 or 26 of the Local Government Act in respect of land that is private managed forest land that would have the effect of restricting, directly or indirectly, a forest management activity.”

There are approximately 200 hectares of private managed forest land within the boundaries of the City of Powell River. Residents justifiably expect that the City of Powell River should have authority over private managed forest lands equivalent to the authority that exists for other private lands within city boundaries. However, the City of Powell River has very limited authority as outlined in section 21 noted above.

Over the past decade, a number of UBCM resolutions regarding private managed forest land with respect to forestry practices, noise, and riparian areas have been endorsed. For the most part, the resolutions seek amendments to the Private Managed Forest Land Act and Regulations that would result in requirements for forestry practices that are equivalent to those in the Acts and Regulations for forestry practices on Crown land.

TO: Members of the Association of Vancouver Island Coastal Communities
Re: Sustainability of West Coast Fisheries

This memorandum provides background information on the following City of Campbell River resolution in support of West Coast Fisheries:

WHEREAS fisheries are an important economic driver for the Province of British Columbia, particularly on Vancouver Island;

AND WHEREAS fisheries in BC is defined as inclusive of commercial, indigenous, recreation and aquaculture;

THEREFORE BE IT RESOLVED THAT the Province ensure that all decisions with regards to the management of all fisheries, and protection of the natural environment, are made based on current data, technology, science and traditional knowledge.

Background:

Campbell River is the centre for sport, recreational, commercial and aquaculture fisheries on Northern Vancouver Island. These play a significant role in local economic diversity and tourism.

The City of Campbell River's Strategic Plan focuses on economic growth and support for our tourism industry.

The following are statistics on the economic impact of the BC aquaculture industry and current practices:

Economic impact of BC Aquaculture:

- BC's #1 agricultural export, overall economic impact of more than \$1.5 billion
- 6,600 jobs generated in BC's coastal employment
- 20 economic and social partnerships with coastal First Nations
- 78% of BC's annual production of farm-raised salmon is harvested from areas covered by agreements with First Nations

Status of technology, equipment and environmental practices:

- Low antibiotic use
- High density polyethylene nets reducing marine mammal interactions
- Anticipated future increased investment in safe smolt transport and lice treatment
- Low escapes

Attachment: October 23, 2017 PowerPoint presentation to Campbell River City Council by
Jeremy Dunn, BC Salmon Farmers Association



Investment. Innovation. Certification.

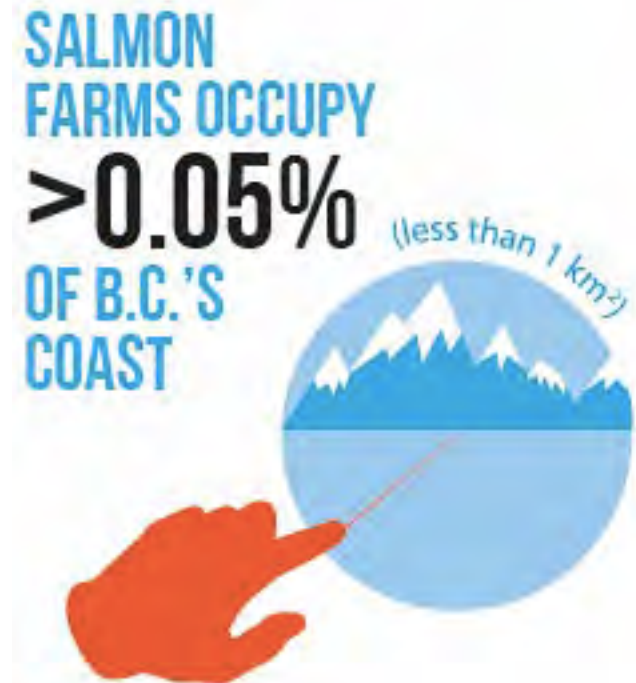
Salmon Aquaculture in B.C.

Presented to: Campbell River Council

Date: October 23, 2017

By: Jeremy Dunn

- BCSFA represents 52 organizations throughout the full value-chain of finfish aquaculture in B.C.
- BCSFA represents seven companies operating ocean farms (112 sites)
 - On average, 70 sites are operational at any one time. The others are fallow
- BCSFA represents nine companies operating land-based farms (20 sites)
 - All farm-raised salmon spend at least part of their life in a land-based system
- Two lake-based farms



Annual Harvest

- 2016 77,000mt annual harvest valued at over \$745-million
- 70% of production exported. 30% sold domestically
- Over 360-million meal portions sold fresh to market

Contributions to the Economy

- Overall economic impact of more than \$1.5-billion



GENERATED 1,600 JOBS IN B.C.'S ECONOMY IN THE LAST THREE YEARS

Coastal Employment

- Jobs paying about 30% more than medium income in B.C.
- **6,600 jobs generated in B.C.**

First Nations Partnerships

- 20 economic and social partnerships with coastal First Nations
- 78% of B.C.'s annual production of farm-raised salmon is harvested from areas covered by agreements with First Nations





SUSTAINABILITY PROGRESS REPORT 2017

Research and Innovation

sustainability progress report



Salmon Aquaculture in B.C.

2017



- Farmers lead the world in third-party certifications
 - 40% Atlantic harvest is ASC certified
 - Seafood Watch “Good Alternative”
- High-density polyethylene nets
 - Reducing marine mammal interactions
- Escapes remaining consistently low (23 Atlantic salmon lost in 4 events, 2016).
- Innovations in fish health
 - Antibiotic use consistently low
 - Vaccine research to drive continued reduction.
- State-of-the-art feed delivery systems
 - Feed conversion ratio average 1.1-1.2.

+\$200 MILLION B.C. INDUSTRY INVESTMENT OVER LAST THREE YEARS

- Including new land-based RAS systems





+\$200 MILLION B.C. INDUSTRY INVESTMENT OVER LAST THREE YEARS

- Including new, stronger nets and net-cleaning vessels



CONTINUED INVESTMENTS IN B.C.'S INDUSTRY

- Over \$300-Million planned over the next four years including vessels designed for safe smolt transport and lice treatment



Aquaculture: Increase global market share to 0.6 percent (from 0.2 percent) and exports by almost US \$2.6 billion (\$3.4 billion CAD). Do so by adopting a new, forward-looking Canadian Aquaculture Act combined with an economic-development strategy that reforms ill-adapted traditional fisheries regulations for this emerging subsector to create opportunities for provincial, regional, and aboriginal stakeholders to pursue if they choose.”

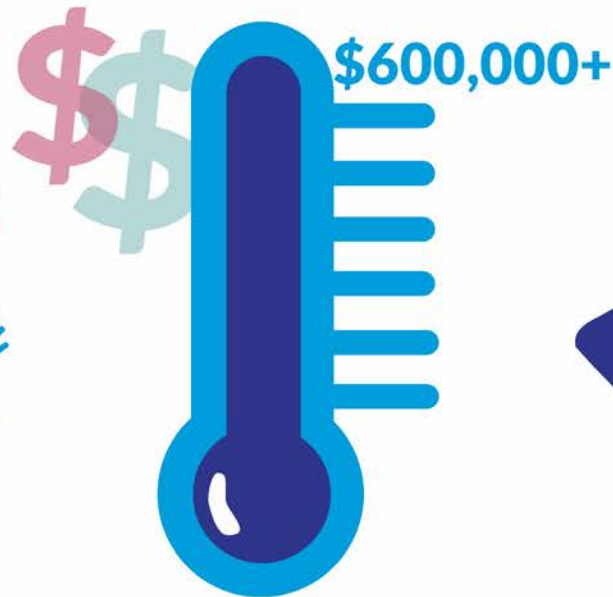
February 6, 2017 – Canada’s Advisory Council on Economic Growth
Unleashing the Growth Potential of Key Sectors



OUR COMMITMENTS

- Work to build partnerships that expand First Nations involvement and potentially economic stake in the sector.
- Set out a trajectory to make B.C. the most environmentally progressive in salmon farming region in the world.
- Define a central role for the sector in the understanding and stewardship of wild salmon.
- Be driven by world leading innovation.
- Be grounded in the economics of the marketplace and sound science.

Community Contributions by B.C. Salmon Farmers (2016)





Sustainability of West Coast Fisheries

WHEREAS fisheries are an important economic driver for the Province of British Columbia, particularly on Vancouver Island;

AND WHEREAS fisheries in BC is defined as inclusive of commercial, indigenous, recreation and aquaculture;

THEREFORE BE IT RESOLVED THAT the Province ensure that all decisions with regards to the management of all fisheries, and protection of the natural environment, are made based on current data, technology, science and traditional knowledge.



MEMORANDUM

To: Douglas Holmes, Chief Administrative Officer

From: Alberni-Clayoquot Regional District Board of Directors

Date: March 8, 2018

Subject: Log Export Policy – AVICC Resolution

Whereas billions of dollars of forest industry investment sits idle or is under-utilized in the Province of British Columbia, particularly on Vancouver Island;

Whereas \$805 million of unprocessed logs were exported from British Columbia in 2017, compared to \$278 million exported in 2008, forgoing the opportunity to add value to and create local jobs in this Province's forestry sector;

THEREFORE BE IT RESOLVED that the Government of British Columbia enact policy that prohibits raw log export from British Columbia without provincial wood processing needs and capacity being evaluated and met.

Background

Raw log exports from British Columbia have increased by \$527 million from 2008 to 2017 according to BC Stats and Statistics Canada. Local communities and the Province of British Columbia are losing the economic benefit that otherwise would be generated if those logs were processed locally.

Raw logs from both public and private lands are being exported at an increasing rate while a vastly underutilised wood processing industry exists within the Province. Many operating facilities are starving for wood to process. Numerous facilities are not operating at all. Similarly, pulp and paper production benefits by processing by-product from the operation of sawmills. Provincial policy governing raw log exports should be considered and be responsive to the processing capacity in our Province, particularly for trees harvested on crown land.

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



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

City File No.: 1950-01

R32

Association of Vancouver Island
And Coastal Communities
525 Government Street
Victoria, B.C. V8V 0A8

Re: 2018 Resolution – Asset Management

Please be advised that the City of Courtenay submits the following resolution for the 2018 AVICC Annual General Meeting:

Common Asset Management Policy
City of Courtenay

WHEREAS the purposes of a British Columbia municipality and regional district include providing for stewardship of the public assets of its community;

AND WHEREAS, the powers, duties and functions of British Columbia municipal and regional district Chief Administrative Officers include:

(a) overall management of the operations of the local government;

(b) ensuring that the policies, programs and other directions of the council or board are implemented; and

(c) advising and informing the council or board on the operation and affairs of the local government.

NOW THEREFORE BE IT RESOLVED THAT the Association of Vancouver Island Coastal Communities supports sound Asset Management practices as the means to achieve local Sustainable Service Delivery;

THAT BC municipalities and regional districts, their respective CAOs and staffs would benefit from guidance to a common communications approach to enhance Asset Management Practices; and

THAT the AVICC recommends the Union of BC Municipalities Resolve to develop and implement such a common communications approach in partnership with the LGMA and Asset Management BC.

I trust the above is satisfactory, and please do not hesitate to contact me if you require further information.

Yours truly,

ORIGINAL SIGNED BY

John Ward, CMC
Director of Legislative and Corporate Services
Deputy Chief Administrative Officer

BACKGROUND

Common Asset Management Policy

Asset Management BC (AMBC) has been providing awareness of Asset Management best practices for nearly a decade and throughout that time senior City Staff have been closely affiliated with AMBC. The City has benefited from that relationship by adopting many of the practices AMBC devised or has otherwise supported and after several years, the positive impacts are beginning to be felt.

AMBC is a group of Associations, governments and first nations with a collective interest in Asset Management. It's important to emphasize that AMBC quite deliberately refers to itself as a "Community of Practice", meaning it does not depend upon or represent a particular entity or sector. Therefore, the various observations and suggested practices are motivated only by objectivity and excellence in Asset Management practices.

Given its chosen position as a neutral party, it might be considered presumptuous of AMBC to offer advice to elected officials without it first being requested. That is possibly why there has not yet been a collation of policy practices offered in support of CAOs and council/board elected officials where, from a public administrator's perspective, something of that nature would be very useful. Ironically, our affiliation with AMBC has helped us to recognize that this form of guidance does exist, but it is located in various places and has not been provided or promoted in a coherent, unified way. The guidance is located in statutes, senior government publications and Courtenay Council's Asset Management Policy.

Beyond the operational aspects, to be successful over the long-term a local government AM program depends upon three intertwined yet distinct communications channels and their respective content:

1. The **relationship between council members/regional directors with their constituents** to consider and agree upon continuing levels of service balanced with the constituents' willingness to pay;
2. The **relationship between council members/regional directors and their respective CAOs** to agree upon policy objectives (and reporting) and provision of the means to achieve them; and
3. The **relationship between municipal/regional district CAOs and their staffs** to set the operational and capital work plans in place to achieve sustainable service delivery through sound AM practices.

These three channels have their origins in the following references:

- *Community Charter (CC)* and *Local Government Act (LGA)*;
<http://www.bclaws.ca/>
- Auditor General for Local Government (AGLG) Perspectives Series Booklet, “Asset Management for Local Governments”;
<https://www.aglg.ca/> and
- City of Courtenay **Policy #1670.00.02** “Asset Management Policy”.
<http://www.courtenay.ca/EN/main/city-hall/asset-management.html>

COUNCIL/BOARD MEMBERS AND CONSTITUENTS:

As most will know, municipalities and regional districts are distinct, but are both referred to as ‘local governments’ and the *Community Charter* and *Local Government Act* are the two principal sources of their respective authority. These statutes provide for the purposes of these two forms of local government. One purpose is “providing for stewardship of the public assets of its community”.¹ They also stipulate that ‘the powers, duties and functions of a municipality or regional district are to be exercised and performed by its council or board’² as the case may be.

The BC AGLG provides even more succinct guidance to the elected officials:

“Local residents, as service customers and taxpayers, expect to be advised and consulted on how you are spending tax dollars... It is important for you to... engage and educate members of the community on what asset management involves, why it is important and the implications if your local government fails to proactively manage publicly-owned assets. This communication provides an opportunity for your local government to ask the community about their service level expectations and their willingness to pay the costs of meeting those expectations.”³

This guidance is echoed the City’s Asset Management Policy: “...council members are responsible for adopting policy and ensuring that sufficient resources are applied to manage the City’s capital assets” and for providing “...those we serve with services and levels of service for which they are willing to pay”.⁴

COUNCIL/BOARD AND THEIR CAOs:

The *CC* and *LGA* speak to this relationship, too: CAOs’ powers, duties and functions include overall management of operations of the local government; ensuring that the policies, programs and other directions of the council/board are implemented; and advising and informing the council/board on the operation and affairs of the local government.⁵

¹ *Community Charter* s. 7 and *Local Government Act* s. 185.

² *Community Charter* s. 114 and *Local Government Act* s. 194.

³ Auditor General for Local Government (AGLG) Perspectives Series Booklet, “Asset Management for Local Governments”, pp. 17-18.

⁴ This latter policy statement is reiterated in the City of Courtenay Strategic Priorities 2016-2018.

⁵ Paraphrased for convenience from *Community Charter* s. 147 and *Local Government Act* s. 235.

The AGLG also considers this relationship:

“Elected officials have a stewardship responsibility and an oversight role, while staff are responsible for implementation and for reporting back to the council/board. It is important for both parties to understand and respect the distinction between governance and management and to maintain an appropriate balance of accountability... As elected officials, you can help ensure effective asset management by supporting staff in their efforts to develop and implement asset management planning.”⁶

Council’s AM Policy commits to “Ensuring necessary capacity and other operational capabilities are provided” and to “...providing sufficient financial resources to accomplish them”. As a reflection of the legislation and AGLG guidance, the Policy goes on: “The Chief Administrative Officer has responsibility for Asset Management plans, strategies and procedures as well as reporting to Council on the effectiveness of Asset Management practices and their outcomes.”

CAOs AND THEIR STAFF:

Communications as part of this relationship is a matter of leadership style and public administration practices. How these manifest themselves locally is a function of the individuals’ education and experience along with ongoing professional development. This is offered by agencies such as the Local Government Management Association of BC and more formalized training through various academic institutions.

While the statutes do not speak to this particular relationship, the AGLG does provide some guidance:

“Asset management is a highly integrated activity requiring staff from across the local government to interact and share knowledge and data. It requires a shift to a new business model based on sustainable service delivery. To succeed, your chief administrative officer must champion asset management, select the right group of staff from finance, planning, operations, information technology and engineering, give them the proper authority and make them accountable for action.”⁷

This AGLG guidance coincides with the City’s AM Policy as provided above.

As is obvious, the guidance to successfully develop these three channels of communication does exist. However, it would be more effective if it were coalesced in a singular form that could be consistently referred to by local governments wishing to more effectively develop Asset Management for Sustainable Service Delivery. One way of accomplishing this could be for BC local governments to collectively request it be done on their behalf by an organization or agency such as Asset Management BC.

6 Auditor General for Local Government (AGLG) Perspectives Series Booklet, “Asset Management for Local Governments”, pp. 17 & 13.

7 Auditor General for Local Government (AGLG) Perspectives Series Booklet, “Asset Management for Local Governments”, p. 18.

----- Forwarded message -----

From: **Heather Ney** <Director@cvts.ca>

Date: Fri, Feb 9, 2018 at 10:50 AM

Subject: RE: AVICC resolution

To: Jesse Ketler <councillorketler@gmail.com>

Hi Jesse,

I was able to speak to Ministry of Social Development and Poverty Reduction (MSD) about income assistance (IA) while in a residential recovery program. I was told by MSD that:

Single Person – Total \$375 Shelter and \$335 Support

Shelter portion of the IA continues for as long as they are in the program, assuming they have housing.

In addition they receive \$95 comfort allowance while in the program.

They do not receive the support portion while in the residential program

The issue is that in almost all cases people on IA use a portion or even all of their support portion to pay rent. So if they do not receive the support portion they are unable to maintain their housing. I was told that often people who are going into a residential program request their \$95 comfort allowance be put towards their rent while they are in the program. Therefore they arrive in a program with no money to pay for personal items. This in turn puts strain on the residential programs to provide items that they are not funded to provide. (Hence Tampon Tuesday).

Couples (could be single parent with child) and families: They continue to receive their shelter portion as well as their support portion less the \$95 comfort allowance when one is in a residential program.

Single (1 unit) \$375 Shelter = \$375

Couple rates (two unit family) \$570 Shelter and \$407.23 Support less \$95 = \$882.23

Family rate (three unit family) \$660 Shelter and \$501.06 Support less \$95 = \$1066.06

Amplifies to me the disadvantage single people are at and why some many single women are forced to make housing choices that are unsafe or lose their housing if they want to do more than 30 days recovery.

When I was speaking to Arlene at mental health and substance use she told me that they often refer people into residential recovery for only 28 days and plan around Income Assistance Cheque dates so that they don't miss a payment of their support portion of assistance to ensure they don't lose their housing.

Glaring issues:

- 1) Support portion of their assistance not maintained while in a residential recovery program so at risk of losing housing if using support portion to supplement shelter portion.
- 2) Threat of losing support portion limits time available to spend in residential program and best practices indicate longer term treatment is more effective than short term.
- 3) If a person chooses to lose housing to pursue residential recovery their focus in recovery tends to be on where they will go when they can no longer stay in the residential recovery program. Outcomes for people in this circumstance are poorer.
- 4) Single people are at a greater disadvantage than couple and families.

Heather Ney

Executive Director

Comox Valley Transition Society

[250 897-0511](tel:2508970511)



Corporation of the Village of Cumberland

2673 Dunsmuir Avenue
P.O. Box 340
Cumberland, BC V0R 1S0
Telephone: 250-336-2291
Fax: 250-336-2321
cumberland.ca

File No. 0390-20
February 13, 2018

2018 AVICC Resolution

CONTINUATION OF INCOME SUBSIDY BENEFITS

WHEREAS the support portion of Income Assistance (\$335 for a single person) is frequently used to supplement the shelter portion of Income Assistance (\$375 for a single person) to cover housing costs;

AND WHEREAS persons entering a residential recovery program maintain the shelter portion of Income Assistance but lose the support portion, often resulting in that person not being able to maintain their current housing, and putting the person at greater risk of homelessness upon exiting of the program;

THEREFORE BE IT RESOLVED that Association of Vancouver Island and Coastal Communities AND the Union of BC Municipalities request that the Ministry of Social Development and Poverty Reduction continue the support portion of Income Assistance benefits for individuals living in temporary housing, such as recovery programs and protective housing, for the duration of their recovery.



District of Port Hardy

7360 Columbia Street ♦ PO Box 68
Port Hardy BC V0N 2P0 Canada
Telephone: (250) 949-6665 ♦ Fax (250) 949-7433
Email: general@porthardy.ca ♦ www.porthardy.ca



R34

February 1, 2018

Our File: Resolutions 0550-05

AVICC
525 Government Street
Victoria, BC
V8V0A8

CANNABIS TAX SHARING FORMULA RESOLUTION

WHEREAS the Federal Government of Canada intends to pass legislation in 2018 allowing for the legalization of Cannabis which will permit consumption and retail sale of Cannabis throughout Canada.

AND WHEREAS the impact of the legalization of Cannabis will be felt at the local level through increased costs of administration including but not limited to administration of building codes, planning, licensing, protective services, public health, social services and communications.

THEREFORE, BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities lobby the Province of British Columbia to negotiate a tax sharing formula of the provincial tax share with Local Governments adequate and equitable to cover the increased costs from the legalization and sale of Cannabis in BC.

Sincerely,
The District of Port Hardy

Hank Bood,
Mayor

Enclosures



District of Port Hardy

7360 Columbia Street ♦ PO Box 68
Port Hardy BC V0N 2P0 Canada
Telephone: (250) 949-6665 ♦ Fax (250) 949-7433
Email: general@porthardy.ca ♦ www.porthardy.ca



January 12, 2018

Honourable Bill Morneau
Minister of Finance

Honourable Carole James
Minister of Finance

Honourable Mike Farnworth
Minister of Public Safety and Solicitor General

Sent via email: Bill.Morneau@parl.gc.ca
FIN.Minister@gov.bc.ca
PSSG.Minister@gov.bc.ca

Subject: Cannabis tax sharing formula

Dear Minister Morneau, Minister Farnworth and Minister James:

The District of Port Hardy Council request the Federal and Provincial governments recognize a cannabis excise tax revenue-sharing formula which supports the ongoing costs and responsibilities of implementing the legalization framework borne by all orders of government—municipal, provincial, territorial and federal.

Sincerely,

Hank Bood,
Mayor District of Port Hardy

THE CORPORATION OF THE
TOWNSHIP OF SPALLUMCHEEN

TEL. (250) 546-3013
FAX. (250) 546-8878
OUR FILE NO.



4144 Spallumcheen Way
Spallumcheen, B.C. V0E 1B6

Email: mayor@spallumcheentwp.bc.ca

www.spallumcheentwp.bc.ca

January 23rd, 2018

OFFICE OF THE MAYOR

The Honourable Selina Robinson
Minister of Municipal Affairs and Housing
Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Robinson,

Re: Cannabis Sales Revenue Sharing

Please accept this letter from the Township of Spallumcheen outlining the need for cannabis sales revenue sharing within the province of BC with local governments.

As noted by other local governments within BC, there is a need to discuss impacts to local governments and the need to share in the revenue generated from the implementation of the legalization of cannabis. With cannabis sales legal in the next few months, there must be a formal agreement that will divide the tax revenue on cannabis sales in a fair and equitable manner. Current discussions regarding revenue sharing involve the Federal and Provincial governments with no inclusion of local governments. Ultimately, the legalization will entail additional costs for local governments both in social and policing costs. A Federation of Canadian Municipalities (FCM) paper is stating that the impact may affect policing, fire services, building codes, city planning, municipal licensing and standards, public health, social services, communications, law, etc.

The Township of Spallumcheen Council is requesting your support, by agreeing to 50% of the provincial share of the cannabis tax sharing formula be provided to local government. This is an adequate and equitable share to help support costs and services incurred by local governments.

The Township of Spallumcheen has one legal MMPR facility operating, with indications from more than 5 other properties within our jurisdiction indicating interest at developing facilities here in Spallumcheen where half of our rural community is located within the Agricultural Land Reserve.

Thank you for your consideration.

Respectfully,

Janice Brown
Mayor

cc. UBCM Member Municipalities

CG/mw



Office of the Mayor

2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6

Tel (778) 797.2210 Fax (778) 797.1001

December 13, 2017

Dear Local Governments of British Columbia,

With cannabis sales becoming legal in 2018, there must be a formal agreement that will divide the tax revenue on cannabis sales in a fair and equitable manner. Current discussions regarding revenue sharing involve the Federal and Provincial governments with no inclusion of local governments. Ultimately, the legalization will entail additional costs for local governments both in social and policing costs. A Federation of Canadian Municipalities (FCM) paper is stating that the impact may affect policing, fire services, building codes, city planning, municipal licensing and standards, public health, social services, communications, law, etc.

City of West Kelowna Mayor and Council is requesting your support, by writing to the Province to lobby them to agree to 50% of the provincial share of the cannabis tax sharing formula be provided to local governments. This is an adequate and equitable share to help support costs and services incurred by local governments.

Thank you for your consideration.

Sincerely, on behalf of Council,

A handwritten signature in black ink, appearing to read "Doug Findlater".

Doug Findlater
Mayor



7170 Cheam Avenue
P.O. Box 70
Agassiz, British Columbia
Canada V0M 1A0

Tel: (604) 796-2235
Fax: (604) 796-9854
Web: www.district.kent.bc.ca

January 16, 2018

The Honourable Selina Robinson
Minister of Municipal Affairs and Housing
Parliament Buildings
Victoria, B.C. V8V 1X4

Dear Minister Robinson:

RE: Cannabis Sales Revenue Sharing

A letter dated March 16, 2017 (copy attached) was sent from the Union of B.C. Municipalities (UBCM) to The Honourable Suzanne Anton, Minister of Justice and Attorney General, in regards to concerns related to the legalization of marijuana in Canada. Of particular interest, the letter expressed the concerns of B.C. municipalities that marijuana taxation revenue be fairly distributed among all orders of government, including local governments. As it is very troubling that there has been no apparent progress in this regard, I am writing on behalf of the District of Kent Council today to personally reiterate that increased costs and responsibilities related to marijuana legalization without any confirmed source of additional funding will place a huge burden on local governments.

With the legalization of cannabis sales now imminent, the need for a formal agreement that will divide the tax revenue on cannabis sales in a fair and equitable manner is critical for municipalities. From our perspective, smaller municipalities with limited funding opportunities available for new responsibilities will be particularly impacted by these changes. The legalization will result in additional costs for local governments in social and policing costs. A Federation of Canadian Municipalities (FCM) paper is stating that that the impact may affect policing, fire services, building codes, city planning, municipal licencing and standards, public health, social services, and communications.

Current discussions regarding revenue sharing involve the Federal and Provincial governments with no inclusion of local governments. Therefore, we implore you to address this matter soon and present a formal funding agreement for B.C. municipalities. Fifty percent (50%) of the provincial share of the cannabis tax sharing formula being provided to local governments is suggested as an adequate and equitable share to support costs and services incurred by local governments.

Thank you for your time and consideration to this matter of urgent concern to all B.C. municipalities.

A handwritten signature in black ink, appearing to read "J. Van Laerhoven".

John Van Laerhoven
Mayor

cc: The Honourable David Eby, Attorney General
UBCM Municipalities



March 16, 2017

The Honourable Suzanne Anton
Minister of Justice and Attorney General
Room 232, Parliament Buildings
Victoria, B.C. V8V 1X4

RE: Legalization of Marijuana

Dear Minister,

I write to you today regarding local government concerns related to the legalization of marijuana in Canada. BC local governments have adopted resolutions requesting direct involvement in the process to establish a regulatory approach to marijuana, and that marijuana taxation revenue be fairly distributed among all orders of government, including local governments. I would like to request a meeting at your convenience to discuss these issues, and other local government concerns that we may address through collaborative solutions.

To this point, UBCM has not been presented with an opportunity to directly engage in meaningful discussion with the provincial government regarding a framework for legal access to marijuana, and in particular a marijuana distribution framework. With federal legislation expected in the near future, it is important that local governments and the Province begin discussion on how to best prepare for the ensuing changes.

Potential costs and responsibilities related to marijuana legalization without any confirmed source of additional funding could place a large burden on local governments, who may bear substantial enforcement and oversight costs, and at this point only receive 8-10% of overall taxation revenue. Previous experience with medical marijuana has shown that, without funding, local governments face difficulties in enforcing laws, leading to the unregulated environment that exists today. As such, UBCM would greatly appreciate an opportunity to discuss the concerns of BC local governments as they pertain to marijuana legalization. Bhar Sihota, UBCM Policy Analyst, may be reached at (604) 270-8226 Ext. 114 or bsihota@ubcm.ca to arrange a meeting.

We look forward to partnering with you in the development of an effective regulatory framework for legal access to marijuana.

Sincerely,

A handwritten signature in dark ink, appearing to read "Murry Krause", is written over a light-colored background.

Murry Krause
President, Union of BC Municipalities

cc: *The Honourable Peter Fassbender, Minister of Community, Sport, Cultural Development,
and Minister Responsible for TransLink*

[Skip to main content](#)

Cannabis legalization primer: how municipalities can get ready



Cannabis legalization: how municipalities can get ready

This is the first of two reference documents developed by FCM to help municipalities address cannabis legalization locally. It provides general information and steps for consideration for municipalities looking to introduce by-laws, zoning and business practices, among other things.

The second phase of this project, to be released in the coming months, is a more comprehensive resource to provide guidance in by-law development and highlight promising practices related to cannabis legalization at the local level.

1. Federal legislative overview

On April 13, 2017, the federal government tabled two bills to legalize and regulate cannabis in Canada:

- **Bill C-45, *The Cannabis Act***, addresses the regulation, sale and cultivation of recreational cannabis.
- **Bill C-46, *An Act to amend the Criminal Code (offences relating to conveyances)***, focuses on strengthening impaired-driving measures.

This new legislation flows from the work of the federal Task Force on the Legalization and Regulation of Cannabis. FCM brought the municipal perspective to that process, grounding our advocacy in four broad principles:

- **Consultation and communication** with municipalities during the development and implementation of a cannabis legalization framework.
- **Respect for municipal authority** in the development of local implementation plans for production, distribution and consumption within their boundaries.
- **Coordinated implementation and enforcement** of the cannabis legalization framework across all orders of government.
- **Fair distribution of new revenue streams**, set in partnership among orders of government.

2. Timelines

The federal government intends to enact both pieces of legislation by July 2018. This means that all orders of government must begin their internal process immediately to ensure that regulations, laws and by-laws are in place by the time the federal cannabis legislation comes into force.

For implementation to be safe, timely and effective, clear coordination between all orders of government is essential. FCM and the municipal sector are taking a proactive approach toward cannabis implementation, as much as feasible, to help ensure that the municipal sector is well prepared for the July 2018 legalization.

3. Jurisdictional responsibilities

Federal:

The federal government will be responsible for regulating the production of cannabis, as well as setting the rules and parameters around possession limits, trafficking, advertising, the tracking of seed to sale, establishing minimum age limits, personal cultivation and the continued oversight of the medical cannabis regime.

Provincial/territorial:

Provinces and territories will likely govern many aspects of the legalization framework, including wholesale and retail distribution, the selection of a retail distribution model and workplace safety. Provinces will also have discretion to set higher age limits or more restrictive possession limits.

Municipal:

Municipal regulations stem from the frameworks set out by provinces and territories. Bills C-45 and C-46 provide latitude to provinces and territories to develop their own rules and regulations around the distribution and consumption of fresh or dried cannabis, cannabis oil, plants and seeds.

For municipalities, this means that local jurisdiction could vary in a number of ways. Still, there are common elements across the country for which municipalities are responsible. Based on the pan-Canadian analysis conducted to date, municipalities are likely to be most active in the areas of zoning, business licensing, building code, municipal workplace safety and enforcement of regulations around public consumption and impaired driving.

Please consult your own provincial or territorial government for a more precise outline of responsibilities in your jurisdiction.

Shared areas of responsibility:

What is much less clear is the role municipalities will play in areas of shared responsibility. Depending on how the legislation and regulations are shaped in the coming months, there could be shared jurisdictional responsibility in areas such as public consumption, rules for retail locations, home cultivation, taxation from cannabis sales, public education, public health and law enforcement. The extent to which municipalities will have access to federally regulated production facilities also remains unclear.

4. Where to begin

Cannabis legalization will have specific impacts for municipalities, and the timelines are short. Below is a list of considerations and actions that your municipal councils and staff may wish to start considering now to be better prepared for July 2018.

- **Assemble a municipal working group on cannabis legalization** that includes members of relevant municipal divisions (police, fire services, building code, city planning, municipal licensing and standards, public health, social services, communications, law etc.) to discuss municipal considerations and identify gaps. This will be particularly important as more federal, provincial and territorial information on the issue becomes available. Recognizing the wide-ranging impact cannabis legalization will have on departments and services, many municipal jurisdictions have assembled an interdepartmental working group as a first step on the road toward legalization. In very small municipalities, there may not be the human resource capacity to bring such a group together. In this case, information sharing in collaboration with your provincial or territorial association or bringing the issue forward at your local government association meetings could be alternative options.
- **Engage with your province or territory early** through your provincial or territorial municipal association. Ensure that there is an open line of communication and that you are on the same page about areas of shared jurisdictional responsibility. This could include impaired driving, public education, taxation, business licensing, public consumption, and land use/zoning.

Having a good understanding of the provincial, territorial and federal rules as they become law will help provide municipalities with clear direction on where you will and will not have jurisdiction.

Most provinces and territories have already begun to consult with municipalities and the public about the impact of the upcoming cannabis legalization. Your municipality or your PTA can engage in this process, raise municipal concerns and communicate back important information to your council and staff.

- **Seek legal advice.** Given the complicated multi-jurisdictional nature of cannabis legalization, your municipality may want to seek legal advice. FCM will also be developing more detailed guidelines. But this tool will be designed to complement, not replace, legal advice that is tailored to the needs of your community.

- **Seek appropriate municipal approvals**

Think about your municipality's approval processes and how they will align with provincial/territorial processes. Start planning now.

- **Establish a timeline and work plan**

Take a look at your municipal agenda and develop a work plan that takes the need for public consultation into account. Align this with your province or territory's timeline for implementation.

- **Engage the public and other key stakeholders, including industry**

There is a lot of public concern about cannabis legalization. People are going to have questions. Ways to engage the public in this process will vary, but could include:

- A formal public consultation process
- Conducting a public hearing of Council
- Using online surveys, public meetings and targeted stakeholder consultations
- Social media

Make sure to keep public engagement focused on issues that fall under specific municipal jurisdiction.

- **Assess which by-laws and other municipal programs require adjustment or creation**

Cannabis legalization may require amendments to existing municipal by-laws, such as those around land-use. It may also mean new by-laws will have to be enacted, which could include those for business licensing. Here are the most common areas of by-law amendment/creation for consideration, as identified by municipalities that have been highly engaged with federal and provincial governments throughout the legalization process:

- **Land use planning/zoning.** This is a clear area of municipal jurisdiction that could be used to regulate where in your community licensed recreational cannabis dispensaries can operate. Land use planning by-laws can be used to control how close to schools and playgrounds dispensaries can be. They can also be used to define and classify cannabis retail and cannabis lounges (if such facilities are allowed in your province/territory) so as to ensure they are different from other zoning categories such as general retail stores and establishments where the sale of alcohol is permitted. Municipalities will also have to work with the federal government on zoning/land use planning for production facilities. The Government of Canada has also signalled it will work on regulations for cannabis edibles once the work on fresh and dried cannabis, as well as seeds and oils is established. Considerations for how cannabis edibles will be managed under municipal zoning by-laws and how they will be regulated by your province or territory may also be an issue to discuss when reviewing potential local impact.
- **Public consumption.** Direction as to where people can consume cannabis will come through provincial and territorial legislation. This is much like laws across the country that place restrictions on smoking cigarettes and drinking alcohol in public places. We encourage you to engage with your respective province or territory regarding the parameters of public consumption of recreational cannabis, including edibles, and then develop corresponding by-laws.

- **Business licensing.** Through business licences, municipal authorities can set individual requirements for businesses. Business licensing can also correspond to related by-laws such as those for nuisance or zoning. For example, only a properly zoned building could obtain the required municipal business licence authorizing the sale of federally regulated cannabis. While density requirements are generally addressed through zoning, setting the maximum number of locations of cannabis retail stores could be a business licensing issue, as is sometimes the case with adult entertainment stores in many municipalities.
- **Human resources policies.** You will need to ensure that workplace drug and alcohol policies for municipal staff will comply with provincial or territorial changes with regard to cannabis.
- **Enforcement and policing.** Municipally-delivered police and by-law services will have to make the necessary adjustments to respond to new federal and provincial laws, as well as municipal by-laws. This could range from issues such as developing protocols and parameters around issuing tickets related to cannabis consumption, to the new training and enforcement of new impaired driving rules.
- **Public education.** Municipalities developed anti-smoking campaigns for tobacco use as part of local efforts to improve public health. It is likely that the municipal sector will want to focus their education efforts on areas of municipal jurisdiction. This would include where people can and can't consume cannabis at public events and on municipally-owned property such as parks and recreation facilities. Coordination with other orders of government on the development of public education campaigns could help streamline efforts, capitalize on external funding or expertise where it exists, and ensure consistent messaging.
- **Public health.** Depending on the size of your municipality, local public health officials will want to consider how cannabis legalization will change and impact the public health mandate.
- **Can you revise or develop municipal by-laws immediately, even if federal or provincial/territorial regulations are not ready yet?**

Recognizing the short time municipalities have to prepare for cannabis legalization and the amount of time it takes to develop by-laws, there are a few things your municipality can do to prepare for cannabis legalization now. Some questions to ask:

- What requires clear regulatory direction from the provincial/territory?
- What is being deferred federally until a later time?

Some initial steps that can begin immediately include:

- Passing a motion in council directing municipal staff to prepare options for land-use by-law amendments in anticipation of direction from other orders of government.
- Conducting research on the local impacts of cannabis legalization and implications for municipal governments.
- Engaging with your province or territory through provincial/territorial municipal associations or directly in a PT consultation process.
- Creating a timeline and work plan.
- Scoping out the anticipated municipal roles and responsibilities into phases—by-laws required for Day One of legalization, by-laws required based on further provincial/territorial regulatory direction, and by-laws to be addressed further along in the process (e.g. cannabis edibles).

Edmonton for example, began their work by preparing amendments to their zoning by-law. The definition of a “major home-based business” was changed to clarify that cannabis sales, production and distribution were excluded from this type of business classification.

- **Establish areas where your municipality cannot proceed without federal or provincial/territorial direction and authority.**

There are several areas where municipalities say they cannot advance cannabis legalization until other orders of government provide direction. This may include:

- Decision areas that are solely the jurisdiction of a province or territory such as cannabis distribution, or areas of shared jurisdictional responsibility such as enforcement of impaired driving, or First Nation and municipal boundary overlap.
- The type of distribution model—Crown Corporation or retail model?
- Rules to prevent existing illegal dispensaries from claiming that they deserve to be “grandfathered” into the licensing system.
- Public consumption—will municipalities need to designate cannabis smoking areas, or can they be prohibited?
- Business licences—a new application process and new business licences will be required depending on what provinces/territories decide concerning where cannabis can be purchased and consumed.
- Home cultivation – it is unclear what the role for municipalities will be in regulating this.
- Cost and scope of impaired driving detection training.
- Type of equipment to detect impaired driving.
- Distribution of tax revenue.
- Support for implementation costs.

In Ontario, municipalities are waiting for the province to decide whether cannabis will be sold through a Crown Corporation or a regulated retail model. In the case of a Crown Corporation, municipalities would not licence cannabis retailers and would have no land use jurisdiction as to where sales or production could be located. However, if the regulated retail model is used, municipalities would be required to regulate the location of retail outlets through existing municipal zoning by-laws

- **Calculate cost estimates and make a financial plan**

Once we know more about what the municipal role will look like in this process, it will be time to plan for staffing and other costs, including public education, public engagement, staff training, administration and enforcement.

- **Develop draft by-law amendments**

Municipal legal affairs departments or by-law services groups, with the help of outside legal expertise if necessary, can now prepare text amendments to regulate cannabis-related activities. Some of this may begin without authority or direction from other orders of government. Some municipalities in Canada have developed a phased approach to this work, where by-law development occurs in different stages as the guidance and direction from other orders of government becomes available.

It can take time to develop by-laws, conduct public engagement and fit hearings into a busy council schedule. We recommend thinking about these processes early and assessing whether certain aspects of the work can begin immediately. Also consider the time businesses need to gain necessary municipal approvals and licences to be ready to open for when the federal cannabis legislation comes into force.

- **Presenting amendments to Council and obtaining Council approval**

Each by-law that requires amending will need to go before council for approval. Ensuring that your municipal council is well informed and ready to approve the series of amendments regarding cannabis legalization is an obvious, but important step in the process. For this stage, it is important to look ahead in the municipal calendar and establish how by-law amendments are organized and when they will go before council for decision.

- **Public education, internal training and enforcement**

Educating the public and ensuring there is consistent and fair enforcement of the new cannabis rules will be important. Institutional change of this nature will also require internal training in order to properly prepare your own staff for the new federal, provincial/territorial and municipal rules.

Provincial and territorial resources

- [Alberta](#)
- [British Columbia](#)
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Municipalities welcome steps toward fair cannabis revenue sharing (11/12/2017)

FCM President Jenny Gerbasi issued this statement following the federal government's announcement that it will release an additional 25 per cent of federal excise tax revenues on cannabis to help support municipal on the front lines of legalizing cannabis nationwide.

"Federal leadership to legalize cannabis across Canada includes ensuring municipalities have the right tools to keep Canadians safe and well-served. Today's announcement that the federal government will release more cannabis excise tax revenues to support our cities and communities is a step in the right direction.

"Local governments are on the front lines of implementing, administering and enforcing new cannabis rules, with new cost burdens for our police and up to 17 municipal departments. Last week, FCM released early estimates of those costs of keeping people safe and well-served. Based on that work, we recommended reserving one-third of federal cannabis excise tax revenues as a fair and achievable tool to support municipalities.

"Today's federal announcement starts a dialogue among all orders of government toward clearly securing that fair municipal share. Clearly, this tool will need to be supplemented to cover local start-up and ongoing costs, especially if revenues grow more slowly than expected. What the potential of this tool offers is crucial planning stability — for local governments, and for federal and provincial governments that share responsibility for ensuring unsustainable new burdens do not fall to local governments.

"As with so many other national challenges, this one requires a strong partnership among all orders of government. We see that partnership growing stronger on infrastructure and on affordable housing. Cannabis legalization is a fresh opportunity to build a strong, goal-driven partnership that integrates durable financial tools from the start."

The Federation of Canadian Municipalities (FCM) is the national voice of municipal government, with nearly 2,000 members representing 90 per cent of the Canadian population.

For more information, please contact:

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FCM Wants A Third Of Cannabis Tax

By [Cheryl Jahn \(/author/cheryl-jahn/\)](/author/cheryl-jahn/)

December 7, 2017 - 2:11pm

Updated: December 7, 2017 - 8:06pm



Though the legalization of marijuana is not expected until July of next year, municipalities are putting themselves front and centre. They have told the federal Finance Minister that communities want a third of the taxes generated through the sale of cannabis.

"We've done the preliminary math on it and, we've got another seven months before we have all the details on how this is gonna roll out on a province-by-province basis, but even preliminary details show that it's going to cost municipalities \$210 and \$355 million," says Garth Frizzell, Second Vice-President of the FCM.

Federal estimates have the federal government getting \$620 million dollars a year in taxes collected from the sale of cannabis.

"You take a third of that and it's just below the least amount [municipalities] for the cost of administration and policing."

In fact, the FCM maintains the legalization of cannabis will impact 17 different departments in some City Halls.

"It's not just policing. What does this mean for our bylaws, for our business licensing? What does this mean for zoning, for community plans? It goes right down to the details around social issues, too."

The federal government has indicated it will help municipalities, but has been lean on details.

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Cannabis revenue-sharing key to municipalities keeping Canadians safe and well-served (06/12/2017)

Federation of Canadian Municipalities President Jenny Gerbasi issued this statement ahead of next weekend's meeting of federal, provincial and territorial finance ministers.

"Local governments are on the front lines of implementing the federal commitment to legalize cannabis across Canada. Our communities are where cannabis will be sold and consumed, and our priority is to keep Canadians safe and well-served, on Day 1 and long-term.

"Legalization means significant new enforcement and operational costs for municipalities-for our local police and up to 17 different municipal departments. It makes sense to use cannabis excise tax revenues to ensure these costs don't become a barrier to keeping Canadians safe. And a smart revenue model will recognize that three orders of government are in this together.

"The Federation of Canadian Municipalities is working with members across Canada to forecast the real cost impacts, and tomorrow we bring this work to the Ministry of Finance's consultation on revenue sharing models. We're proposing a model that allocates one third of cannabis excise tax revenues to local governments. We believe that's fair and achievable, and it will go a long way to making local costs sustainable. And we appreciate the federal government's openness to factoring municipal needs into this vital conversation."

"The federal government will need additional means to support local costs-all the more so if cannabis excise revenues grow more slowly than hoped-but revenue-sharing can be a central part of this toolbox. At the end of the day, this is about building a federal-provincial-municipal partnership on behalf of all Canadians, and we have an opportunity to get this one right by building in the right financial tools from the start."

The Federation of Canadian Municipalities (FCM) is the national voice of municipal government, with nearly 2,000 members representing 90 per cent of the Canadian population.

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February 1, 2018

Our File: Resolutions 0550-05

AVICC
525 Government Street
Victoria, BC
V8V0A8

CANNABIS TAX SHARING FORMULA RESOLUTION

WHEREAS the Federal Government of Canada intends to pass legislation in 2018 allowing for the legalization of Cannabis which will permit consumption and retail sale of Cannabis throughout Canada.

AND WHEREAS the impact of the legalization of Cannabis will be felt at the local level through increased costs of administration including but not limited to administration of building codes, planning, licensing, protective services, public health, social services and communications.

THEREFORE, BE IT RESOLVED that the Association of Vancouver Island and Coastal Communities lobby the Province of British Columbia to negotiate a tax sharing formula of the provincial tax share with Local Governments adequate and equitable to cover the increased costs from the legalization and sale of Cannabis in BC.

Sincerely,
The District of Port Hardy

Hank Bood,
Mayor

Enclosures



MEMORANDUM

To: Wendy Thomson, Manager of Administrative Services

From: Alex Dyer, Planner

Date: January 18, 2018

Subject: Drought Management AVICC Resolution

WHEREAS reliable, consistent and affordable access to water for agriculture has been identified as a primary concern for agricultural producers in the region; and

WHEREAS drought management, climate adaptability and watershed protection are key factors in fostering community resiliency and improving regional food security;

NOW THEREFORE BE IT RESOLVED that the AVICC request that the province fund comprehensive, multi-stakeholder Regional Watershed Committees in order to develop drought management plans, regional watershed management plans and to address local watershed challenges.

Background:

The Alberni-Clayoquot Regional District (ACRD) is working to support its agricultural community and enhance a vibrant local food system. The ACRD adopted the Alberni Valley Agriculture Plan in 2011 which sets out a vision to increase food security in the region. The mission of the plan is to develop the capacity to allow the community to produce 40% of the food consumed locally by 2031. One of the primary goals identified in the plan to achieve this undertaking is to support and increase the safe, consistent and affordable access to water for agricultural use.

In 2017, the ACRD published 'Water for Growth: Recommendations and Findings from the ACRD Agricultural Use of Water Project'. The study, partially funded by the Real Estate Foundation of BC, explored policy options to ensure the access, quality and affordability of water to agricultural producers within the region.

While there were a number of policy options identified that are readily achievable by the Regional District, there were many stakeholder concerns that generally fall outside of the scope

or capacity of local government. These include regional drought response plans, climate change adaptability including sea level rise, source water quality protection, watershed preservation and regional watershed management plans. The project recommended that a comprehensive, multi-stakeholder regional watershed committee be formed to address these challenges.

The BC Drought Response Plan (2016) suggests that committees that address water sustainability issues could work with the province on developing local and regional drought response plans. Comprehensive regional watershed management plans directed by regional watershed committees would be an asset as communities across the province continue to work towards the goal of community resiliency and improved food security.