

## **COUNCIL CORRESPONDENCE UPDATE TO SEPTEMBER 14, 2022 (8:30 a.m.)**

### **Correspondence**

- (1) September 6, 2022, regarding “Fwd: Beach photos” (Accessibility)**
- (2) 5 submissions, September 8-12, 2022, regarding Park Royal Performance**
- (3) Strata Garage Coalition, September 9, 2022, regarding “Fire Rescue Bylaw 5163 - Legal Opinion Submission”**
- (4) September 11, 2022 regarding “Proposed 2022-2026 Five-Year Financial Plan Bylaw 5185, 2022, Amendment Bylaw 5219, 2022 and Proposed Phase 2 Capital Funding Report: Consideration of three readings and funding approval.”**
- (5) September 12, 2022, regarding “New Arts Building for West Vancouver.”**
- (6) September 13, 2022, regarding “Fwd: Ambleside Pitch and Putt Course charges”**
- (7) September 14, 2022, regarding “Who was in charge at the WV Municipal Hall on Sep 8th/22?”**
- (8) Committee and Board Meeting Minutes – Community Engagement Committee meeting July 6, 2022 and Arts & Culture Advisory Committee meeting July 7, 2022**

### **Correspondence from Other Governments and Government Agencies**

No items.

### **Responses to Correspondence**

- (9) Director of Planning & Development Services, September 13, 2022, response regarding Abandoned Development**

**From:** s. 22(1)  
**Sent:** Tuesday, September 6, 2022 11:26 AM  
**To:** correspondence; Sue Ketler  
**Subject:** Fwd: Beach photos  
**Attachments:** IMG-5834.jpg; IMG-5836.jpg

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Mayor and Council,

Accessibility. They say a picture is worth a thousand words. Thank you for this opportunity.

This is the beach in front of the house where we met 34 years ago. I was moving in, s.22(1) was moving out and by chance our paths crossed.

s.  
22(1)  
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s. 22(1)  
s. 22(1)  
s. 22(1), North Vancouver, BC  
s. 22(1)





**From:** s. 22(1)  
**Sent:** Thursday, September 8, 2022 10:37 AM  
**To:** info@parkroyal.ca; correspondence  
**Subject:** Park Royal Performance

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Hi there!

My name is s. 22(1), I was one of the performers who played as part of the buskers pilot program in front of Whole Foods in the Village a few weeks back.

Just wanted to let you know I had an absolute blast and I believe the audience did too. I played for about 2.5 hours and throughout that time had multiple people asking if I would be there every weekend. At various times the walkway became a (small) dancefloor which was fun. And I also heard after the fact that during my performance, Cactus club turned off their music so their customers could enjoy the experience also.

I think good curated live music in West Van would really be an asset to the community and I believe that demographic is really thirsty for it too (if last weekend was any indication)

Just my 2 cents! And really grateful for Scott and Seacoast entertainment for the opportunity. I hope we can keep that going in some way shape or form.

All the best!

s. 22(1)

s. 22(1)

s. 22(1)

Vancouver bc.

s. 22(1)



**From:** Dustin Cromie <dcromie@parkroyal.ca>  
**Sent:** Thursday, September 8, 2022 1:35 PM  
**To:** s. 22(1); correspondence  
**Subject:** RE: Park Royal Performance

**CAUTION:** This email originated from outside the organization from email address dcromie@parkroyal.ca. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Thank you for your feedback and this was extremely popular, with lots of praise being received from the community.

PARK ROYAL

Dustin Cromie Property & Leasing Manager

T 604.923.4714 C 604.396.7556 [ParkRoyal.ca](http://ParkRoyal.ca)  
Management Office | 2002 Park Royal South, Level 2 | West Vancouver, BC | V7T 2W4

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**From:** s. 22(1)  
**Sent:** Thursday, September 8, 2022 10:37 AM  
**To:** Info Park Royal <info@parkroyal.ca>; correspondence@westvancouver.ca  
**Subject:** Park Royal Performance

Hi there!

My name is s. 22(1) was one of the performers who played as part of the buskers pilot program in front of Whole Foods in the Village a few weeks back.

Just wanted to let you know I had an absolute blast and I believe the audience did too. I played for about 2.5 hours and throughout that time had multiple people asking if I would be there every weekend. At various times the walkway became a (small) dancefloor which was fun. And I also heard after the fact that during my performance, Cactus club turned off their music so their customers could enjoy the experience also.

I think good curated live music in West Van would really be an asset to the community and I believe that demographic is really thirsty for it too (if last weekend was any indication)

Just my 2 cents! And really grateful for Scott and Seacoast entertainment for the opportunity. I hope we can keep that going in some way shape or form.

All the best!

s. 22(1)  
s. 22(1)

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**From:** s. 22(1)  
**Sent:** Saturday, September 10, 2022 7:47 AM  
**To:** correspondence  
**Subject:** Park Royal Street Performances

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Hello,

Last weekend, I was shopping at Park Royal mall. It's usually a rush to shop and leave, however, I got to pause and enjoy some wonderful musical and non-musical performers. There was fabulous talent but also it was fun witnessing the joy and excitement of spectators of all ages. It was lovely to see entertainers coming together to do something they love and in turn lifting up the spirits of people who watched. YES, we need more of THIS live entertainment, in public spaces, i.e. parks, etc. that everyone can access and enjoy, regardless of income. It allows people to relax and have a sense of temporary escape from daily stressors.

Many thanks to all who coordinated the entertainment!

s. 22(1)

s. 22(1)

Vancouver, BC s. 22(1)

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**From:** s. 22(1)  
**Sent:** Sunday, September 11, 2022 2:36 PM  
**To:** info@parkroyal.ca; correspondence  
**Subject:** Street Performer Series Experience

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To Whom it Concerns,

This email is to convey a little bit about my experience playing music for the Park Royal Street Performance Series...

I was connected with s. 22(1) because for the last 2 years I have been playing songs at John Lawson and Millennium Park. The appreciation people have shown during this time has helped me supplement my living expenses, but foremost, has offered an outlet to connect with people through music in the beautiful parks along the waterfront.

Recently, a park ranger has been "doing his job" and telling me I could not play... I, and countless others who have been listening through the years sent emails to parks, bylaw, arts and culture, and even the mayor expressing the fact that this was wrong, and that the music I was sharing has added to the richness and diversity of West Vancouver. Doti, from Arts and Culture emailed me back and let me know about the event s. 22(1) was putting on; I was very excited to be invited to perform.

I played my repertoire of songs from numerous different languages including Spanish, Portuguese, and Farsi outside of Whole Foods and the reception and vibe was incredible... People dancing, smiles, and gratitude were in abundance... Simple... This positivity is in short supply in our world in this moment, and anyone who has power to increase it should use their ability to do so... I am very grateful to have connected with s. 22(1) who is riding the same train of sharing local music and talent like myself.

I went back to John Lawson park to play recently, the park ranger came again and heard my songs and we started our conversation where we left off, but this time about 6 different people came up to express their shared opinion that the music was wonderful and I should keep playing... I spoke with him and he understood the positive vibrational mood that was being created and allowed me to keep playing much to the joy of myself and everyone around.

This momentum is picking up and I am proud to be a steward of sharing music and enriching experiences... Let's get on the same page and light up the world in whatever ways we can!!!

s. 22(1)

s. 22(1)

North Vancouver, BC

s. 22(1) Canada

**From:** [REDACTED] s. 22(1)  
**Sent:** Monday, September 12, 2022 8:45 AM  
**To:** correspondence  
**Subject:** Regarding the street performers at Park Royal

CAUTION: This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Congratulations!

I was so happy to see the civic support for the Arts in West Vancouver at Park Royal Mall this summer. I returned several times to enjoy a variety of world class performances 'for free'!

This is 'quality of life'... let's see more of it!

Thanks,

[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

Vancouver, BC, [REDACTED] s. 22(1)



**From:** s. 22(1)  
**Sent:** Friday, September 9, 2022 4:06 PM  
**To:** Mary-Ann Booth; Bill Soprovich; Nora Gambioli; Craig Cameron; Peter Lambur; Sharon Thompson; Marcus Wong  
**Cc:** correspondence; Robert Bartlett; Mark Panneton; s. 22(1)  
**Subject:** Fire Rescue Bylaw 5163 - Legal Opinion Submission  
**Attachments:** 2022.09.09 LT WV re Bylaw 5163 (final).pdf

**CAUTION:** This email originated from outside the organization from email address s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Madam Mayor and Councillors;

Please find attached herewith for your consideration a letter to you dated 22.09.09 with appendices prepared by lawyer, Derek Creighton of the Access Law Group, providing his opinion concerning the District Fire Rescue Bylaw 5163, 2021 together with attached sundry evidence.

As you are aware, the owners of over 335 residences located in the eight Strata Plans listed below are among many owners and residents in West Vancouver seriously and unnecessarily affected by the enforcement of the Bylaw. The owners concerned have common cause in having authorized, enclosed private garages contained in or associated with their strata lot which, under the Bylaw (as was being enforced by the District's Fire Rescue Service until recently), must be emptied completely of all stored items other than vehicles. Compliance imposes significant costs to the strata corporations and owners concerned as well as greatly reduces their enjoyment and value of their property.

In the interests of the affected owners, the strata councils, as statutory agents of the strata corporations of the undermentioned strata plans, have therefore agreed to collaborate in an informal coalition to mutually assist in objecting to the relevant Bylaw provisions and their enforcement, and to seek relief. The coalition has obtained legal advice from Mr Creighton which is presented in the attached opinion that shows the Bylaw provisions concerning garage storage to be inconsistent with and contrary to the Building and Fire Codes promulgated by the Province of BC, the provisions of which take precedence over the Bylaw.

We welcome the information that Council is concerned at the serious impact of this flawed Bylaw and has placed a stay on its enforcement until a thorough, impartial review can be made of its objectives and provisions. We earnestly hope that the attached opinion will be of assistance to the reviewers, and to you in your consideration of the design of the review and its findings. We appreciate Council's goal of reducing undue risks to public safety and as stakeholders we would be willing to participate in the review process in order to identify a pragmatic solution.

We look forward to an early resolution of the problem during your term in office. Thank you on behalf of the coalition members for your consideration of this issue.

Yours sincerely, s. 22(1), Strata Garage Coalition, The Bellevue, 2289 Bellevue Ave, West Vancouver V7V 1C5 (Owners Strata Plan EPS5755) on behalf of:

s. 22(1) President, Owners Strata Plan BC1593, 2115 Gordon Ave, West Vancouver V7V 1W1  
s. 22(1) , President, Owners Strata Plan VAS2802, Les Terraces, 2250 Bellevue Ave, West Vancouver V7V 1C6  
s. 22(1) , President, Owners Strata Plan EPS5692, The Peak, 2958 Burfield Place, West Vancouver, V7S 3H9  
s. 22(1) , President, Owners Strata Plan EPS5755, The Bellevue, 2289 Bellevue Ave, West Vancouver V7V 1C5  
s. 22(1) , President, Owners Strata Plan BCS877, Stonecliffe, 3355 Cypress Place, West Vancouver V7S 3J9

s. 22(1) [REDACTED] President, Owners Strata Plan BCS2054, Twin Creek Place, 2225 Twin Creek Place, West Vancouver, V7S 3K4

s. 22(1) [REDACTED], President, Owners Strata Plan BCS3645, Aerie 1, 2535 Garden Court, West Vancouver, V7S 0A1

s. 22(1) [REDACTED] President, Owners Strata Plan EPS4754, Grosvenor Ambleside, 1300 Marine Drive, West Vancouver V7T 1B5

cc: Robert Bartlett, Chief Administrative Officer, District of West Vancouver; Mark Panneton, Corporate Officer, District of West Vancouver

Attachment

September 9, 2022

District of West Vancouver  
750 17<sup>th</sup> Street  
West Vancouver, BC V7V 3T3

**Attn: Mayor and Council**

Dear Madam Mayor and Councilors:

**Re: Bylaw 5163, 2021**  
**The challenge to legality and enforcement**

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1. I am legal counsel for eight strata corporations representing approximately 335 residential strata units and am writing to address District of West Vancouver Bylaw 5163, 2021 (the “Bylaw”) (see Appendix A for List). This Bylaw also impacts numerous other residents of West Vancouver (the “Municipality”).

### **Owners Outrage at - Lack of Consultation and Loss of Fundamental Use of Properties**

2. You are undoubtedly familiar with the anger and outrage that has been precipitated by the enactment of the Bylaw. This anger is driven by a Bylaw which requires owners to refrain from storing any items other than vehicles and boats in their garage. These enclosed private garages are in some cases as large as 1,000 square feet and were acquired at considerable cost to the owners. The effect of the Bylaw is to require residents to store patio furniture, walkers, winter tires, gardening and hobby tools, and other customary items in their residences, or acquire off-site storage. The latter requires time-consuming, and environmentally damaging trips to access items which are essential to the use of their strata units.

### **Enclosed Garages Constructed in Compliance with Codes and Approved by West Vancouver**

3. Equally disturbing is the fact that these enclosed parking/storage spaces were constructed in accordance with BC Building Code (“BCBC”), as reviewed and approved by the Municipality’s building permit officials. Further, they have been inspected by West Vancouver Fire & Rescue (“WVFR”) for years without raising any fire safety or other firefighting concerns. In one case, the municipality demanded significantly increased parking spaces with the result that the developer was forced to delete storage lockers. Given that garage storage was not prohibited this issue did not result in the elimination of any storage.

### **Fundamental Alteration of Use and Value of Premises**

4. The Bylaw is not simply an inconvenience, but fundamentally alters the owners' use of their premises. Storage plays an extremely important role in any residential setting, but it has even great importance in a residence in which an individual has downsized from a larger home. This is the case for many seniors in the Strata Plans that I represent.

### **Backwards Process - Code and Legal Advice Pursued After Bylaw Passed**

5. My clients are encouraged by the fact that the Municipality will be seeking the advice of legal advisors and code consultants, and by the freeze on enforcement of the Bylaw. However, it is disturbing that this step is being taken at the end of an incredibly divisive process instead of at a more logical point in time (i.e. prior to the Bylaw's enactment). Additionally, you will see that the very basis for the Bylaw was challenged by residents who pointed out that the definition of "storage garage" in the BCBC (2018) described the appropriate use of these enclosed garages as "primarily" for the storage of vehicles. **By definition, this implies "secondary" or "incidental" storage of items other than vehicles.**

### **Municipal Bylaw Cannot be Repugnant or Contrary to Provincial Legislation**

6. Since the Municipality's power to enact fire bylaws is delegated by the Province, it cannot be repugnant to or alter, provisions contained in provincial legislation. This principle has been recognized in numerous Supreme Court decisions. Part 4 (4.2) of the Bylaw recognizes this common law judicial authority by providing that in case of "discrepancy", the senior legislation takes precedence. The Fire Services Act (the "Act"), sections 48 (1) and (2) also recognizes the supremacy of provincial legislation by providing that municipalities can make bylaws as long as they are "**not repugnant to this Act**" (see Appendix B Common Law decisions).

### **Correspondence From Resident to Assistant Fire Chief Shows a Fundamental Lack of Understanding of the Municipality's - Limited Authority to Legislate**

7. Attached as Appendix C is email correspondence between [REDACTED] s. 22(1), a West Vancouver resident, and the Assistant Chief of Fire Prevention Jeremy Calder, pointing out the fundamental conflict between the provisions of the BCBC under which the strata plans were constructed and the Bylaw defining "storage garage" as limited to the storage of vehicles. Remarkably, there is no meaningful response by Calder to such a core challenge to WVFR's authority or supporting their ability to enact bylaws that contradict senior legislation.

### **Bylaw Purports to Unlawfully Delegate Inspection Powers to Owners**

8. Not only is the Bylaw repugnant to senior legislation, but it also purports to delegate the investigation obligations under the Act to strata corporations as represented by their councils. It requires strata councils, or their agents, without training or qualifications, to engage in monthly

investigations of their fellow residents and to report back regarding the contents of their storage garages. Failing this, they will be subject to significant fines. Such unauthorized delegation is fundamentally unlawful at common law given that fire officials have their inspection powers delegated to them by bylaw or under the Act and cannot delegate such powers to others without specific statutory authority.

### **Imposing Inspection Obligations on Part 9 Single Level Condos, not Under Fire Services Act**

9. Moreover, WVFR has also sought to impose their inspection requirements on small strata plan developments built under Part 9 of the BCBC. These are the same provisions that apply to the construction of single-family residences (see the correspondence of Stonethro residents at Appendix D). These are single-level (i.e., unstacked) residences without corridors which do not fall within the definition of “hotel” in the Act. The Act only captures multi-story strata plans. Like single-family homes, which do not fall within the hotel definition, these single-level strata plans do not require annual fire inspections. Despite this clear limitation, and without a legislative basis, WVFR has taken enforcement action against the Stonethro Strata Corporation and other developments built under Part 9 including Aerie 1. These developments also do not have common corridors further exempting them from the “hotel” definition.

### **AFC Jeremy Calder States that Correct Occupancy, not Fire Safety is Basis for the Bylaw**

10. Assistant Chief of Fire Prevention Jeremy Calder has publicly stated that the enforcement of the Bylaw is not motivated by fire safety concerns, but rather by a consideration of the appropriate BCBC occupancy for the storage of articles (other than vehicles). With respect, fire wardens do not have the necessary training to interpret the scope of a designated occupancy under the BCBC. Certified professionals are the only individuals who can certify compliance with the BCBC. These professionals include architects and code consultants - each having considerable training and experience in applying building code provisions to all aspects of the design of complicated buildings, including fire safety systems. The provisions of the BC Fire Code (“BCFC”) state that the purpose of the BCFC is to determine: 1. whether those fire safety systems are properly maintained; or 2. whether the use of the building has been changed so as to contain a hazardous occupancy not contemplated by the BCBC design as contained in the approved occupancies.

### **Garage Storage & Storage Unit Occupancies Overlap in Permitting Storage of Combustibles**

11. The approved occupancy for the enclosed storage garages includes “secondary” storage of articles other than vehicles. The technical occupancy applicable to parking garages is “Low Hazard Industrial Occupancies”, and the sprinklers provided must be designed in accordance with the NFPA 13 standard. The City of Vancouver, in its informational bulletin 2019-001-F1, concludes that the National Building Code (as adopted by Vancouver) and the BCFC do not restrict the storage of non-vehicle items given that the approved occupancy and sprinkler system are designed to deal with storage of combustibles up to 8 feet in height. As a result, their policy is that storage of items in open parking areas is not prohibited and must be dealt with on a case-by-case basis. Their policy directive



also concludes that storage in parking areas does not impact building egress or firefighter access (see Appendix E).

### **Unclear & Unknown Motivation for Bylaw**

12. We do not understand the specifics of what has provoked this Bylaw initiative given the lack of transparency and adequate notice in its passing, and its serious impact. We understand that the North Shore Fire Services were initially concerned about the increase in items stored in open parking garages. It appears that the authorities reacted to a generalized concern about possible added fire load, or building access by firefighters, without any consideration of the approved occupancy and design criteria applied under the BCBC or the limits of their legal authority.

### **BCBC and BCFC Only Set Minimum Standards/BCFC Regulates Maintenance of BCBC Fire Systems and Only Apply New Restrictions Where New Hazardous Activities Are Introduced**

13. In fact, the BCBC and the BCFC very clearly provide that they are “minimum” standards for the construction and maintenance of fire safety systems. The preamble to the BCFC notes that the “code provisions **do not necessarily address all the characteristics of building and facilities that might be considered to have a bearing on the codes objectives**”. In addition, in the preamble to the BCFC it specifies that the purpose of the fire code is to address “the **ongoing maintenance and use of fire safety and fire protection features**” and the “**addition of fire protection features that must be added to existing buildings where hazardous activities and processes are introduced in these buildings.**”
14. Despite this clear language, WVFR has emasculated established BCBC storage garage definitions, ignored the nature of the occupancy or its sprinkler design, and appears to have focused on requiring that an approved Parkade occupancy complies with a Storage occupancy. This would include providing designated fire access aisles and fire separations. This is being required without any understanding of how such separations would interfere with parkade ventilation requirements and sprinkler design and the unknown cost of redesigning a complicated fire safety system. However well-meaning this intent was, from a legal point of view, it is repugnant to the Building and Fire Code provisions which provide minimum safety requirements and do not cover every possible fire safety or access requirement.

### **Storage Occupancy vs Parkade**

15. Under the BCBC, a storage room is designed for higher fire loads of combustibles than would be permitted in a “Low Hazard Industrial Occupancy” (Parkade Occupancy). While there is an overlap between Storage Rooms and Low Hazard Industrial Occupancies in that both permit the storage of combustible articles, there is no basis for requiring that higher standards from one occupancy be applied to another occupancy. Further, the original BCBC design provides for unobstructed egress and fire access areas in parkades. The available access is significant as compared to storage lockers which are designed to store higher combustible loads.

### **No Authority to Increase Requirements for Approved Occupancy**

16. In any event, the municipality does not have the authority to increase standards set provincially with the goal of achieving some form of perfection at the expense of reasonable use of the premises. All of this is especially confusing given our understanding that **there has not been a significant garage fire in the Municipality in decades**. This is likely due to the fact that the sprinkler design in such garages is very effective at preventing fires from starting - whether in vehicles or stored articles.

### **Bylaw Illegal**

17. In summary, I am of the opinion that the Bylaw is unlawful and unenforceable given that it alters the definition of storage garage and prohibits secondary storage despite this being clearly contemplated in the definition. Finally, it ignores the approved occupancy and the sprinkler design which contemplates storage of significant non-vehicle storage including combustibles. It also sets up an unlawful scheme delegating Fire Officials' responsibilities to untrained lay individuals and causing considerable costs to owners.

### **Request to Provide Parameters of Legal & Code Consultation and Fire Safety Concerns if Any**

18. Given that you will be reviewing these issues and our position with experienced municipal/administrative lawyers and qualified professional consultants, we are very interested in knowing the parameters of their retention to ensure that all of the legal and technical considerations are properly addressed. While our review of the public correspondence does not demonstrate that WVFR considers fire safety issues to be a direct concern for the prohibition of all storage items, we would request that you provide us with the specifics of any fire safety concerns so that we may address these in advance of a report prepared for the Municipality. We would also expect that, if there is a divergence of opinion, we would have an opportunity to address the Municipality's position.

### **Going Forward / Potential for Class Action Proceedings/ Large Damage Awards**

19. We look forward to a pragmatic resolution of these issues. Given that the Bylaw negatively affects the value and livability of our client's homes, the Municipality should be aware that a failure to resolve the technical issues may result in class-action proceedings to advance substantial damage claims for loss of value of units due to inadequate storage and the ongoing costs of off-site storage as well as the cost of inspection compliance and property maintenance. Some of the suites involved are the most expensive residences constructed on the North Shore and storage in the enclosed garages was not only approved by the Municipality but was also marketed as a selling feature by their developer.
20. Finally, regardless of the legal correctness of the legislation, it is the responsibility of elected officials to balance questions of livability and costs of compliance with considerations of absolute

safety. It appears that this exercise has not been carried out and that the Bylaw under consideration was passed without any real consideration of the severity of its impact on my clients' use and enjoyment of their homes, and the substantial loss of value to what is, for most individuals, their largest single asset.

Yours truly,  
**ACCESS LAW GROUP\***

A handwritten signature in blue ink, appearing to read 'Derek Creighton', with a stylized flourish at the end.

**Derek Creighton**

Encls.

<b>Appendix A</b>			
<b>Strata Private Garage Coalition, West Vancouver</b>			
<b>Strata Plan</b>	<b>Mailing Address</b>	<b>Contacts</b>	<b>Comments</b>
EPS5755	The Bellevue 2289 Bellevue Ave V7V 1C5	s. 22(1)	35 units
BCS1593	Stonethro Box P1, 2115-2131 Gordon Avenue V7V 1W1	s. 22(1)	10 units
EPS4752	The Grosvenor 1300 Marine Drive V7	s. 22(1)	105 units
VAS2802	Les Terraces 2250 Bellevue Ave V7V 1C6	s. 22(1)	11 units
EPS5692	The Peak 2958 Burfield Place V7S 3H9	s. 22(1)	14 units
BCS877	Stonecliff 3355 Cypress Place V7S 3J9	s. 22(1)	111 units
BCS2054	Twin Creek Twin Creek Place V7S 3K4	s. 22(1)	44 Units
BCS3645	Aerie 1 2535 Garden Court V7S 0A1	s. 22(1)	10 units

## Appendix B

### **West Vancouver is prohibited from enacting bylaws which are contrary or repugnant to provincial legislation**

Bylaw 5163, Part 4 (4.2) stipulates that in case of discrepancy, the senior legislation takes precedence. This principle is also enshrined in the common law. Municipality can make fire safety laws as see fit however it has an obligation to enforce **Fire Safety Act** provisions. Section 48(1) and (2) of the FSA provides that municipalities can make bylaws as long as “*not repugnant to this Act*”. In addition to these very specific prohibitions since provincial legislation is paramount, given that municipal legislation is delegated legislation, and thus cannot be inconsistent with provincial legislation.

### **Paramountcy: Municipal Bylaw vs. Provincial Fire Code/BC Building Codes**

Municipal regulation may be complementary to state regulation if there is no inconsistency. A by-law may enhance the statutory standards, but must not conflict with them. However, the power of the municipality ceases once the state acts in a manner inconsistent with municipal legislation which is superseded, thereby. To the extent to which the ground is covered by a provincial enactment, a by-law dealing with the same subject ceases to be law. The statute is the dominant general law that qualifies the by-law and must prevail. (Legal Encyclopedia: CED 320).

A provincial statute will override a conflicting by-law, whether it precedes it or follows it, in point of time. If the conflicting statute is enacted subsequently, it may repeal, by implication, the by-law and the authority under which it was passed. Some courts have treated the by-law as remaining inoperative, while the subsequent conflicting statute remains in force. By-laws conflicting with a statute may be merely ineffective to the extent of the conflict and are not, thereby, invalidated. The application of a provision declaring that a by-law inconsistent with an Act is of no effect, to the extent of the inconsistencies, does not render the by-law void, but unenforceable to that extent. (Legal Encyclopedia: CED 321)

### **The Common Law cases addressing this issue are as follows:**

*Pat Kennedy Taxi v. Victoria (City)*

7 A municipal by-law must not alter the general law by making that lawful which the general law makes unlawful, or that unlawful which the general law makes lawful. A municipality may not enact by-laws repugnant to the general law. Lett C.J.S.C. so held in *R. v. Nendick* (1958), 14 D.L.R. (2d) 39 at pp. 47 and 48 when he stated:

There is ample authority for saying that, where Dominion and Provincial legislative bodies legislate about the same thing and with the same object, the Provincial legislation is inoperative: *R. v. Sheridan*, [1924] 3 D.L.R. 339, 34



B.C.R. 161. In *R. v. Garvin* (1908), 13 B.C.R. 331 Clement J. said at p. 332: ‘To the extent to which the ground is covered by such federal legislation, Provincial legislation is inoperative; if of earlier date than the Federal it is overridden and ceases to be law, at least so long as the federal Act remains in force; if of later date it is ultra vires. The result is the same in either case; the Provincial enactment is not law.’

Applying the same well-recognized principle to the relative effectiveness of Provincial legislation and municipal by-laws passed pursuant to powers derived from the Provincial authority, it follows that, to the extent to which the ground is covered by Provincial legislation, municipal legislation over the specific subject covered by such Provincial legislation is inoperative, so long as the Provincial legislation shall remain in force.

.....

A provision in a municipal by-law which purports to permit uses of the lands and buildings covered by the Restriction Act contrary to or at variance with those provided in that Act, would be repugnant to and inconsistent with a Provincial statute and such a provision is void and of no effect in respect of such lands and buildings.

*R. v. Nendik 1958 CarswellBC 181*

28 On the relationship of municipal by-laws to provincial legislation, the rule has been stated as follows: “It is a cardinal rule of municipal law that all by-laws are subject to the general law of the realm and are subordinate to it and any by-laws which are repugnant to or inconsistent with general provincial law are void and of no effect.” See 14 C.E.D. (Ont.), 2nd ed., p. 398, citing as authority *Saumur v. Quebec & A.-G. Que.*, 106 Can. C.C. 289, [1953], 4 D.L.R. 641, 2 S.C.R. 299 and *Re Corp. of Romney Tp. & Corp. of Mersea Tp.* (1885), 11 O.A.R. 712. See also *Re Clay & Victoria* (1886), 1 B.C.R. (Pt. II) 300 at pp. 302-3 where Gray J. said: “The power, therefore, given by the Province to the municipality must be strictly limited as above set forth, both as to revenue and public morals — to regulate, not prohibit, — and the municipality must act within the expressed powers conferred by the Provincial Legislature, not an inch beyond, because however good, theoretically, an object may be, it can only be enforced upon unwilling parties by law. English liberty admits of no individual restrictions, except such as are clearly defined or recognized as law.”

.....

31 Applying the same well-recognized principle to the relative effectiveness of Provincial legislation and municipal by-laws passed pursuant to powers derived from the Provincial authority, it follows that, to the extent to which the ground is covered by Provincial legislation, municipal legislation over the specific subject

covered by such Provincial legislation is inoperative, so long as the Provincial legislation shall remain in force.

In *Propane Gas Assn. of Canada Inc. v. North Vancouver (City)* (1989, 42 M.P.L.R. 29 (B.C. S.C.)), MacDonald J. found that both a city by-law, which dictated the location of the tanks, and the provincial *Gas Safety Act*, [R.S.B.C. 1979, c. 149](#), were valid notwithstanding that their objectives and intentions were essentially the same. There was no conflict between the two regimes because the *Gas Safety Act* addressed how propane installations were to be constructed and the municipality determined where they could be located. This is not the case at hand given that there is a direct conflict created by bylaw 5163 which purports to prohibit non-vehicle storage and applies statutory inspections to condominiums which do not fall within the definition of hotel

## Appendix C

<https://www.westform.com/flipbooks/Products/Products.html>

**From:** Jeremy Calder <[jcalder@westvancouver.ca](mailto:jcalder@westvancouver.ca)>

**Sent:** Monday, July 25, 2022 5:31 PM

**To:** [REDACTED] s. 22(1)

**Subject:** RE: Your Correspondence of July 25, 2022 Titled "220725 Fire Dept. Garage usage Building & Fire Codes"

Hi [REDACTED] s. 22(1),

I am sorry, we are not in agreement. Perhaps a conversation with a code consultant or our Permits and Inspections staff would help to further explain this. You are welcome to communicate with our Permits and Inspections department. They are able to further assist you in discovering code compliant storage solutions for your building.

Below is a process for residents in multi-family buildings who wish to convert their parking spaces into storage spaces:

1. First, the Strata must determine if you have adequate parking to convert parking space to storage space. You may wish to contact our staff in Planning to assist, but it is expected that you will be able to independently verify (potentially with a professional versed in zoning regulations) whether you have adequate space.
2. If the building does have adequate space, the Strata must apply to the Planning Department for a Development Permit Exemption to enable the potential conversion of parking space to storage space.
3. If you do not have adequate space, the Strata must apply to Council for a Development Variance Permit to vary the amount of required parking in the building to allow for new storage space. The Planning Department can process this request and Council will consider the request.
4. Upon issuance of either a Development Permit Exemption (2 above) or Development Variance Permit (3 above), specific unit owners must then apply for a Building Permit to convert a parking stall into storage space. The location of the storage space must be consistent with either the Development Permit Exemption or Development Variance Permit referenced above. The

Building Permit will only be issued if it is consistent with the British Columbia Building Code (BCBC). In general, this means that a parking space (or group of spaces) could be converted to a fire rated room, as permitted by Code. Please contact our Building Department to coordinate the review.

Assuming that the building is not deficient in parking, as confirmed by 2 or 3 above, specific unit owners may apply for a Building Permit to provide a space that provides for both the storage of a car and household goods, consistent with the BCBC. Please investigate this more complex option with a Professional Code Consultant prior to contacting contact the Building Department to help coordinate this review.

Thank you,

Jeremy

**Jeremy Calder**

Assistant Chief | Fire Prevention

West Vancouver Fire Rescue

t: 604-925-7381 | c: 604-808-5180 | [westvancouver.ca/fire](https://westvancouver.ca/fire)



We acknowledge that we are on the traditional, ancestral and unceded territory of the Sk̓wx̓wú7mesh Úxwumixw (Squamish Nation), sə́ilwətaʔ (Tsleil-Waututh Nation), and xʷməθkʷəy̓əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

**From:** [REDACTED] s. 22(1)

**Sent:** Monday, July 25, 2022 5:16 PM

**To:** Jeremy Calder <[jcalder@westvancouver.ca](mailto:jcalder@westvancouver.ca)>

**Subject:** Re: Your Correspondence of July 25, 2022 Titled "220725 Fire Dept. Garage usage Building & Fire Codes"

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1) [REDACTED]. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Thank you

I think we are then in agreement that the BC Building Code and BC Fire Code do allow things other than vehicles to be stored in our garages.

It is only the WV Fire & Rescue Code of 13 Dec 2021 that limits the use of our garages.

Sincerely

Sent from my iPhone

[REDACTED] s. 22(1) [REDACTED]

[REDACTED] s. 22(1) [REDACTED]

Please excuse typos as this may have been created with voice recognition software

On Jul 25, 2022, at 16:59, Jeremy Calder <[jcalder@westvancouver.ca](mailto:jcalder@westvancouver.ca)> wrote:

Dear [REDACTED] s. 22(1) [REDACTED],

The *BC Building Code* defines a storage garage as a part of a “building or part thereof intended primarily for the storage or parking of motor vehicles and containing no provision for the repair or servicing of such vehicles.”

The *BC Building Code* also indicates that “as a subsidiary use, storage garages may also contain space for parking or storing other vehicles (bicycles, boat, etc. . .)”

Regards,

Jeremy Calder

Assistant Chief | Fire Prevention

West Vancouver Fire Rescue



t: 604-925-7381 | c: 604-808-5180 | [westvancouver.ca/fire](https://westvancouver.ca/fire)



We acknowledge that we are on the traditional, ancestral and unceded territory of the Skwxwú7mesh Úxwumixw (Squamish Nation), səliłwətaʔ (Tsleil-Waututh Nation), and xʷməθkʷəy̓əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

**From:** [REDACTED] s. 22(1)  
**Sent:** Monday, July 25, 2022 4:51 PM  
**To:** Jeremy Calder <[icalder@westvancouver.ca](mailto:icalder@westvancouver.ca)>  
**Subject:** Re: Your Correspondence of July 25, 2022 Titled "220725 Fire Dept. Garage usage Building & Fire Codes"

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this email is suspicious, please report it to IT by marking it as SPAM.

Dear Mr Calder

Thanks for your prompt reply.

However, you have not attached the sections of the current or past BC Building Code nor the current and past BC Fire code saying garages are exclusively for vehicles which are what I am having trouble finding.

What I have seen say garages are primarily for vehicles. There is a very significant difference between the meaning of primarily and exclusively.

Can you please send me copies of the sections requested.

I do have a copy of the WV Fire & Rescue Code.

Sincerely

Sent from my iPhone

s. 22(1)

s. 22(1)

Please excuse typos as this may have been created with voice recognition software

On Jul 25, 2022, at 15:12, Jeremy Calder <[jcalder@westvancouver.ca](mailto:jcalder@westvancouver.ca)> wrote:

Dear s. 22(1),

To clarify, West Vancouver Council has not introduced new bylaws related to parking garages. The *British Columbia Fire Code* does not allow parking garages to be used for storage of anything other than vehicles, and this is not a new regulation.

West Vancouver Fire & Rescue Services is responsible for upholding the *British Columbia Fire Services Act* and the *British Columbia Fire Code*. The *British Columbia Building Code* also applies to the matter at hand. The District of West Vancouver's *Fire Rescue Bylaw No. 5163, 2021* provides for a regular system of inspection of hotels and public buildings in the municipality because municipal Fire Inspectors are Local Assistants to the Fire Commissioner and are required to ensure compliance with these provincial regulations. A multi-family residential building is classified as a hotel under the *British Columbia Fire Code*, and this applies to your strata.

This system of inspections is required by provincial regulations and is therefore not optional for the residents of any municipality.

The *BC Building Code* has specific requirements for storage garages. Violations of the building code are enforced in conjunction with the Permits & Inspections department and Building Inspectors.

It's important to note that storage rooms are a different occupancy classification than storage garages. Many multi-residential properties have separate storage rooms that comply with the *BC Building Code* and the *British Columbia Fire Code*.

For your information, I have included the relevant sections of these regulations in **Appendix A**.

The routine annual Fire Department Inspection requires inspection of all public spaces within your building. By definition, enclosed storage garages are public spaces, which are not separated from the rest of the storage garage space by 1.5-hour fire separation. Private storage garages are not permitted. This is regulated in the *British Columbia Fire Code* and is enforceable with *Fire Rescue Bylaw No. 5163, 2021*, as it was with West Vancouver's previous bylaw.

This enforcement program is in place now because of the long-established use of these spaces in contravention of the *British Columbia Fire Code*. If a storage space was constructed in a storage garage, whether recently or in the past, it is likely that it was constructed without the benefit of permit or inspection approvals; and therefore, is not permitted to be there. A 'legally non-conforming' or 'grandfathered' status does not apply to these installations.

The large number of incidents (and the residents affected by them) has guided us in determining our approach to these violations of provincial regulations:

- A conditional pass will be issued for non-compliant storage spaces
- Residents have until January 1, 2024 to bring the storage garage into compliance by returning it to its original use as vehicle storage
- The conditional pass and long compliance timeline will provide ample time to residents and stratas to correct violations.

This measured approach will reduce the impact on residents while still achieving compliance with provincial regulations.

As in previous years, a failed inspection is issued when there is an accumulation of combustibles within the storage garage. Residents have 28 days to remove the identified combustibles before re-inspection.

Installation of storage spaces within your storage garage is contrary to code and this work was not completed with permits. This contravention of the *British Columbia Fire Code* may put a strata's insurance coverage at risk. West Vancouver is empowering your strata through this enforcement to achieve compliance with the *British Columbia Fire Code* and protect your legal liability.

We acknowledge that your strata is one of many that are affected by enforcement of violations of provincial regulations. This enforcement has been ongoing in 2022 and there has been significant progress on properties achieving compliance. I have had many constructive discussions with Strata Presidents and property owners, most of whom are thankful for the District's commitment to implementing the conditional pass and extended timeline to achieve compliance.

I realize it may come as a surprise to realize that your storage garages are both non-compliant with provincial regulations and pose a fire risk to your property. Some residents will incur costs to bring their storage garages into compliance, but this must be weighed against the potential liability the strata may incur if compliance is not achieved.

Some stratas are approaching the Planning Department in regard to other possible storage options. These solution-based discussions are ongoing and we are moving forwards towards meeting the requirements of the *British Columbia Fire Code* in West Vancouver.

## **Appendix A**

### *British Columbia Fire Services Act*

#### *Fire Code Administration Regulation*

Persons responsible for administration and enforcement

1 (2) The fire commissioner and local assistants are designated as the persons responsible for the enforcement of the *British Columbia Fire Code*.

### *British Columbia Fire Code*

#### 2.2.1.1. Fire Separations

- 1) Where a building contains more than one major occupancy, such occupancies shall be separated from each other in conformance with the British Columbia Building Code.

#### *British Columbia Building Code*

#### 3.3.5.6. Storage Garage Separation

- 1) a storage garage shall be separated from other occupancies by a fire separation with a fire-resistance rating not less than 1.5 hours.

Note: storage rooms are a different occupancy classification than storage garages. Many multi-residential properties have separate storage rooms that comply with the *British Columbia Building Code* and the *British Columbia Fire Code*. This occupancy classification has been addressed and upheld numerous times in the BC Building Code Appeal Board with the Appeals Board Decision that:

*“The Board considers the storage spaces to be a different occupancy than a storage garage as defined.*

*It is the determination of the Board that a fire separation with a minimum fire resistance rating of 1.5 hours is required between the parking garage and the storage spaces.”*

The *British Columbia Building Code* defines a storage garage as a part of a “*building or part thereof intended primarily for the storage or parking of motor vehicles and containing no provision for the repair or servicing of such vehicles.*”

The *British Columbia Building Code* also indicates that “*as a subsidiary use, storage garages may also contain space for parking or storing other vehicles (bicycles, boat, etc.)*”.



*Fire Rescue Bylaw No. 5163 further defines these requirements for the Strata:*

*Enclosed Storage Garages for Vehicles*

*9.60 Enclosed Storage Garages in any multifamily residential development must be used for the parking of vehicles only (including bicycles, scooters, motorcycles and watercraft).*

*9.61 Private Storage Garages are not permitted.*

*9.62 “NO STORAGE PERMITTED” signage must be installed in all Enclosed Storage Garages.*

*9.63 The Fire Safety Plan for an Enclosed Storage Garage must require the Owner or Strata Corporation to inspect the Enclosed Storage Garages monthly and enforce for compliance with sections 9.60 through 9.65, inclusive.*

*9.64 Enclosed Storage Garages must be available for inspection by the Fire Department at any time without notice and must not have the access or visibility of the garage blocked at any time.*

*9.65 Replacement of the door at the entrance to an Enclosed Storage Garage with a solid door is not permitted.*

I look forward to answering any further questions you may have.

Thank you,

**Jeremy Calder**

Assistant Chief | Fire Prevention

West Vancouver Fire Rescue

t: 604-925-7381 | c: 604-808-5180 | [westvancouver.ca/fire](http://westvancouver.ca/fire)



We acknowledge that we are on the traditional, ancestral and unceded territory of the Sk̓wx̓wú7mesh Úxwumixw (Squamish Nation), sə́ilwətaʔt (Tsleil-Waututh Nation), and xʷməθkʷəy̓əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

From: [REDACTED] s. 22(1)  
Sent: Monday, July 25, 2022 1:32 PM  
To: Fire Department <[firedepartment@westvancouver.ca](mailto:firedepartment@westvancouver.ca)>  
Subject: 220725 Fire Dept. Garage usage Building & Fire Codes

CAUTION: This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Asst, Chief Calder

I am president of our strata. I have reviewed your letter sent to another strata in reply to many concerned citizens adversely affected by the recent enforcement of the West Vancouver Fire and Rescue bylaw.

The recently enacted West Vancouver Fire & Rescue bylaw may limit storage of things other than vehicles in private garages of multifamily buildings.

However, you seem to suggest the current and previous BC Building Code and the current and previous BC Fire Code prohibit storage of incidental items and household effects in the private garages in multi family buildings. I have been unable to find the provisions you might be referring to.

Can you please let me know if that is indeed true and send me a copy of the portions on the BC Building Codes and BC Fire Codes that justify that interpretation and how they define such garages and their uses.

Once I have reviewed those provision, I look forward to responding to you.

Thank you for your assistance.

Sincerely

s. 22(1)

s. 22(1)

West Vancouver, BC

s. 22(1)

s. 22(1)

Home s. 22(1)

Cell s. 22(1)

## Appendix D

### Inappropriate Application of Section 26 (1) Fire Service Act to Part 9 1 Level Condo

In addition to ignoring the clear definition of “storage garage” as including secondary storage, the occupancy status of a parking garage and the type of combustible storage anticipated by the sprinkler design, the fire administrators completely mischaracterized the Stonethro condominium development as a public building. These buildings given their size were constructed under Part 9 of the BCBC. They each are one storey (not stacked on top of another condominium as required to meet the definition of “Hotel”) with attached garages similar to single-family dwellings. The garages and the dwellings are held in fee simple by a single owner. The obligation of inspection under 26 (1) of the Fire Safety Act is restricted to “*inspection of hotels in public buildings*”.

### Stonethro falls outside “Hotel” definition

According to s 1 of the Fire Service Act, the definition of Hotel is:

“**hotel**” includes

- (a) an apartment house,
- (b) a residential building that has
  - (i) **2 or more levels of strata lots** as defined in the *Strata Property Act*, and
  - (ii) one or more corridors that are common property as defined in the *Strata Property Act*, and
- (c) a boarding house, lodging house, club or any other building, except a private dwelling, where lodging is provided;

Stonethro is a **single level** of strata lots and thus does not come under the definition of hotel. In addition, it does not come under the definition of **public building** which reads as follows:

“**public building**” includes a factory, a warehouse, store, mill, school, hospital, theatre, public hall, office building and any building other than a private dwelling house;

Stonethro was completed under development permit number 01-004 issued on January 19, 2004 and an occupancy permit was issued certifying full compliance with the 1998 BC BC and bylaw requirements. It is fully sprinklered.

**A Report by the Strata Council of Owners Strata Plan BCS1593 (Stonethro)  
to Mayor Booth, District of West Vancouver on the  
Applicability and Impact of Fire Rescue Bylaw 5163, 2021**

West Vancouver Bylaw 5163, 2021 provisions pertaining to “Indoor and Outdoor Storage” and “Enclosed Storage Garages for Vehicles”<sup>1</sup> should not apply to Owners Strata Plan BCS1593 (Stonethro). Neither the buildings nor their garages fall unambiguously within the scope of the Bylaw definitions and provisions which place demands on owners, occupants and the strata council that are unreasonable. Following is summary of the issues raised by the Bylaw and the pertinent fire and building legislation and regulations, together with recommendations for mitigating measures.

1. **Background.** The Stonethro strata plan consists of 10 freehold residential strata lots together with common property in joint ownership, all on a single level. The buildings comprise two three-storey triplex and two three-storey duplex-style townhouses including a basement level with enclosed double-garages attached at each dwelling. The habitable area of a typical Stonethro townhouse is approximately 240m<sup>2</sup>. **The enclosed garage spaces of approximately 36-42m<sup>2</sup> are registered on title consistent with the *Strata Property Act s.244(2)* as part of the respective strata lot.** Hence the garage spaces are not common property but private property albeit not designated as a habitable area. An extract from the registered strata survey is provided in Attachment 1.
2. The garages are directly accessible from their respective dwellings and frequently accessed and used by their occupants, and serve as an integral part of a functional townhouse suite in storing items unsuitable for storage inside the living areas<sup>2</sup>.
3. Construction under Development Permit No.: 01-004 (Multiple Family Development) dated 19 Jan 2004 was completed at end-2005. Residential occupancy commenced in 2006 following issue of an Occupancy Permit certifying full compliance with the 1998 edition Code and Bylaw requirements, including the installation of sprinklered fire suppression throughout all parts of the buildings.
4. All strata lots are owner-occupied with a current total of 16 residents. Rentals and short-term occupancy leases are not permitted by the registered strata bylaws. Garden areas adjoin the rear of each dwelling on limited common property and are tended by the respective occupants.
5. **Fire Safety Inspection Authorities.** The West Vancouver Fire and Rescue Service (WVFRS) is acting on authority provided by Provincial-level legislation and regulations<sup>3</sup>. These include the *BC Fire Services Act* (FSA) and its associated regulations, the *BC Fire Code* (FC), and the *BC Fire Code Administration Regulation* (FCAR). The FSA establishes the role of the Fire Commissioner who oversees the administration of the Fire Code. The Fire Code must be read together with

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<sup>1</sup> West Vancouver Bylaw 5163, 2021 Part 9, s.9.4 and 9.60.

<sup>2</sup> Typical storage in addition to vehicles includes gardening and building maintenance tools, supplies and equipment, vehicle and bicycle maintenance tools, work benches, freezers, sports equipment, recycling bins, freestanding and fixed storage cabinets, and shelving containing sundry household items. LCP lockers in the defined “Storage Room” have limited capacity (1.25m<sup>2</sup> area), adequate for patio furniture storage over winter.

<sup>3</sup> The pertinent linkages among these laws and regulations is explained in [Legislation, regulations and codes for Fire Safety - Province of British Columbia \(gov.bc.ca\)](http://legislation.gov.bc.ca).

the [BC Building Code](#) (BCBC) which establishes the minimum requirements for building safety. In addition, the Bylaw provisions assert responsibilities on strata property owners that must be read together with the BC [Strata Property Act \(gov.bc.ca\)](#) (SPA).

6. A municipality may make its own fire safety bylaws as it sees fit<sup>4</sup> but has a duty to enforce the provisions of the FSA s48(1) and (2)<sup>5</sup>. Bylaw 5163 Part 4 (4.2) stipulates that in case of discrepancy, the senior legislation takes precedence.
7. **Definitional Uncertainty.** Stonethro townhouses and garages fall into a 'grey area' of the regulations and may be wrongly targeted in the Bylaw enforcement for several reasons:
  - a. **Mandatory Inspections.** The WVFERS is undertaking the duty of municipalities under FSA s.26<sup>6</sup>, to conduct regular fire safety inspections of "hotels", a description that includes many multi-family buildings. "Hotels" with "storage garage" facilities are a particular target of inspections. Single-family homes with storage garages are not subject to regular inspection and are not a target of the Bylaw enforcement. However, **the FSA's definition of a "hotel"**<sup>7</sup> **does not include residential buildings on strata lots on a single level.** Stonethro's strata lots are arranged on a single level (i.e., not stacked), and all contain private dwellings. Stonethro buildings were designed under BCBC Part 9 applicable to housing and small buildings<sup>8</sup> akin to single family homes, and do not fall into the category of building subject to regular inspection.
  - b. **"Storage Garages"**<sup>9</sup>. Notwithstanding that Stonethro falls outside the "hotel" definition, the justification given by the WVFERS for inspection of Stonethro's "enclosed garages" is that: (a) they are part of a common storage garage and must comply with the Building Code and Section 9.6 of Bylaw 5163; and (b) usage of the enclosed garage space was

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<sup>4</sup> Bylaw 5163, 2021 replaced Bylaw 4366, 2004 and became effective several months after the issue of the Stonethro Development Permit but is assumed to be the relevant regulation at the time of construction.

<sup>5</sup> Fire Services Act s48(1) Nothing in this Act prevents a municipality from making bylaws relating to a matter within the scope of this Act, but only so far as they are not repugnant to this Act or the regulations. (2) Nothing in this Act absolves a municipality from its duty to enforce a law or regulation relating to a matter under this Act.

<sup>6</sup> Fire Services Act s.26 (1) A municipal council must provide for a regular system of inspection of hotels and public buildings in the municipality.

<sup>7</sup> Fire Services Act s.1 Definitions: "hotel" includes

- (a) an apartment house
- (b) a residential building that has
  - (i) 2 or more levels of strata lots as defined in the [Strata Property Act](#), and
  - (ii) one or more corridors that are common property as defined in the [Strata Property Act](#), and
- (c) a boarding house, lodging house, club or any other building, except a private dwelling, where lodging is provided;

<sup>8</sup> Letter from WVFERS Assistant Chief Calder dated June 06, 2022.

<sup>9</sup> The term "storage garage" is defined in the 2018 BCBC differently than in the 1998 BCBC, (and does not appear in the 2018 National Fire Code or the 2018 BC Fire Code or their predecessors). The definition used by the 2018 BCBC reads: "**Storage Garage** means a *building* or part thereof intended primarily for the storage or parking of motor vehicles and which contains no provision for the repair or servicing of such vehicles". The word "primarily" was not present in the 1998 BCBC definition. Bylaw 5163 further expands the definition by adding: "For certainty, Storage Garages may also contain space for parking or storing other vehicles, including, but not limited to bicycles and boats."



allegedly changed improperly from the use reflected by the Occupancy Permit<sup>10</sup>. Both assertions are without merit.

- c. **“Enclosed Storage Garages”** are uniquely defined by Bylaw 5163 as a “structure built within a common area of a Storage Garage”. The term is not used in the BC Building or Fire Codes. However, the structures enclosing the Stonethro “garages” (as described on the registered survey) are legally built, not on common property, but on private property contained within a basement structure serving habitation, parking, storage, and utility rooms as major occupancies<sup>11</sup>. Bylaw 5163 s.9.63 prohibits “Private Storage Garages” unconditionally but is likely unenforceable since no such prohibition is evident in the senior legislation.
  - d. **“Occupancy”** determines the pertinent fire protection regulations under the BCBC. According to the 1998 BCBC s.9.10.2.1, residential occupancy falls under Group C, while parking and storage fall under Group F, Division 3, except when a storage garage is directly serving an individual residential unit (1998 BCBC Table 9.10.2.1). Although 1998 BCBC s.9.10.4.3 provides that a basement used primarily as a storage garage can be considered a separate building, this is contra-indicted by the 2018 Fire Code s.9.10.9.16 (3) which provides [for fire separation purposes]: “Where a *storage garage serves only the dwelling* unit to which it is attached or in which it is built, it shall be considered as part of that dwelling unit....”.  
In the event, fire protection of the non-habitable basement area of Stonethro (as occupied by the enclosed garages, building service rooms and their access aisle) was designed and approved in accordance with the 1998 BCBC Part 9 regulations concerning Group F, Division 3 (One Storey, Any Area, Low Fire Load Occupancy) with parking and storage as major occupancies<sup>12</sup> in accordance with 1998 BCBC s.A-3.1.2.2.
8. **Building Code revisions apply only to new buildings** or to alterations to or use changes in existing buildings. The BCBC standard applicable to the basement space therefore is Section 3.2.1.2 of the 1998 BCBC edition, as amended up to 2005. The BC Fire Code 1998 and the District Fire Safety Bylaw 4366, in force at the time of construction, contained no specific restrictions with respect to “storage garages”. Moreover, the 2018 Fire Code s.2.2.1.1(3) provides for pragmatic application of fire separations<sup>13</sup>. There has been no change in use of Stonethro’s basement space nor any fire emergency occurring there since first occupied.
  9. **Arbitrary Restrictions.** Both the 1998 BCBC F3 category and the 2018 Fire Code permit storage of combustible content<sup>14</sup>. No limitation on non-combustible content is stipulated. This allowable content contrasts with the Bylaw 5163 stipulation of no content whatsoever in storage garages

<sup>10</sup> Letter from WVFRS Assistant Chief Calder dated June 21, 2022

<sup>11</sup> Garages comprise approximately 28.5% of the basement structure area; habitation 32.5%; access, storage and utilities 39%.

<sup>12</sup> Email communication from the Architects of Record (RH Architects Inc) dated 12 April 2022.

<sup>13</sup> BC Fire Code 2018, s.2.2.1.1(3) Rooms, corridors, shafts, and other spaces shall be separated where **practicable** by fire separations conforming to the British Columbia Building Code (emphasis added)

<sup>14</sup> Category F3 permits combustible content of not more than 50 kg/m<sup>2</sup> of floor area. The 2018 Fire Code s.4.2.4.6 permits the storage of up to 50 litres of flammable liquids in attached garages. The Fire Code is concerned with undue hazards as listed in s.2.4 of the 2018 Fire Code. Section 2.4 does not reference storage garages.

other than cars, motorbikes, bicycles, and boats (and, possibly, secured ladders according to Bylaw 5163 s9.4(e)).

10. **Fire Emergency Access.** An argument for an unobstructed aisle alongside the perimeter wall is often presented as a reason for clearing items customarily stored against or on such walls in garages. The BC Fire Code s.2.7.2.1 (2) requires at least one means of exit being an aisle not less than 1100mm wide. **No preferred location for the aisle(s) is specified by the Fire Code.** Aisles are typically available in the Stonethro garages but not necessarily adjacent to a perimeter wall. From a practical standpoint, the manual release for the overhead door opening mechanism is located on the centre line of the enclosed garage.
11. **Remedies.** Enforcement of the Bylaw 5163 storage garage provisions onto the Stonethro basement area will cause significant capital and operating costs to the owners. The options open to owners are:
  - a. **Remove all non-compliant stored items.** Owners must procure alternative storage space off site or forego the items concerned by sale or donation, or discard them. Alternatives within the owner’s dwelling are unavailable or unsuitable, e.g., gardening tools.
  - b. **Adapt the garage space to conform to acceptable fire safety standards.** Code standards for storage rooms and vehicle garages are incompatible due to respective ventilation requirements. Means of ventilation of vehicle exhaust gases are incompatible with storage room air tightness requirements. Fire separation between the garage and adjoining occupancies such as the adjacent access aisle or neighbouring garage is currently required. To achieve a compliant separation with the aisle, installation of a fire-rated roller shutter door of the size required for a double garage would require structural alterations to provide adequate support. Moreover, the sloping floors of the Stonethro basement would require custom design of the door, all leading to an unaffordable ‘solution’.
  - c. **Seek changes or exemptions from the current standards or their operational interpretation.** While changes to the Building Code would be unnecessary for existing buildings, changes to the BC Fire Code would be required, specifically the fire separation requirement pertaining to the garage entry door and ventilation requirement. The 2018 Fire Code s.2.2.1.1 provides for discretion in that respect.
12. **Enforcement.** Enforcement of Bylaw 5163 regarding common ‘storage garages’ relies heavily on policing and administration by the Strata Corporation and creates an undue burden on the Strata Council<sup>15</sup>. As with other small strata corporations, Stonethro is self-managed by its Strata Council, a group of volunteer occupants, and does not employ a strata management company, which can be a costly matter entailing much inefficiency. In such a small community an assertive Strata Council management style would have a potentially divisive impact on the community and be of limited practical value.

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<sup>15</sup> Bylaw 5163 Part 9, s9.4 stipulates that, “An Owner(s) or Owner’s Authorized Agent of a Building must in relation to all property they own or control:” ..... A strata council’s authority is limited to the common property of the strata corporation.

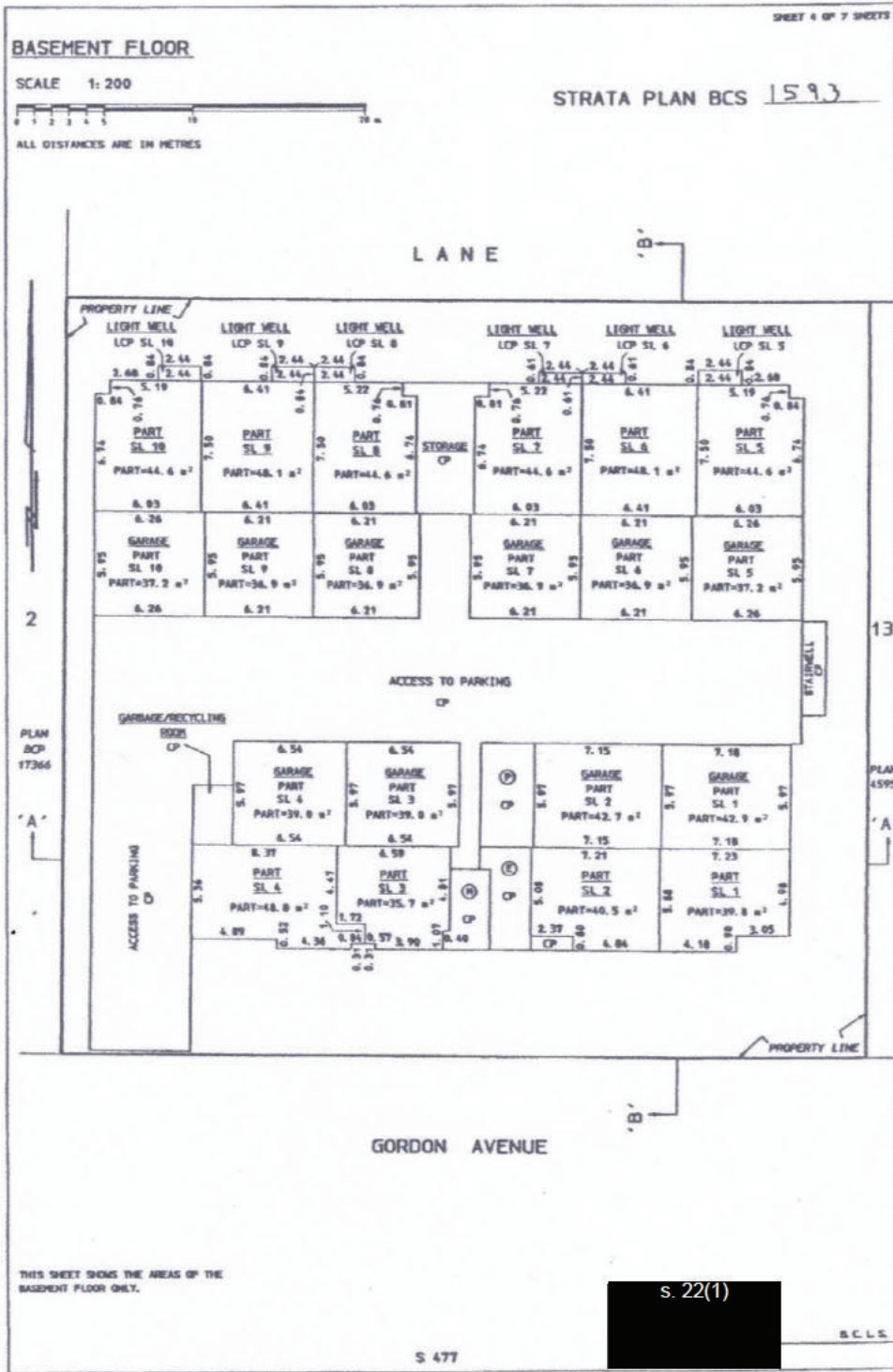
13. The elected Strata Council acts on behalf of the Strata Corporation of Owners as stipulated by the *BC Strata Property Act, SBC 1998 s.4 and 26*. The principal role of the Strata Council is care of the common property of the Corporation and the enforcement of the Strata Bylaws and Rules. Stonethro's registered strata bylaws are consistent with the Standard Bylaws prescribed by the Act.
14. Standard Strata Bylaw s3(1)(a) stipulates use of a strata lot must not cause a nuisance or hazard to another person. 'Nuisance' is elaborated in terms of animal control and noise, but 'hazard' is undefined. Strata bylaw contraventions when observed by or reported to Strata Council are a matter of reaction rather than prevention. Action requires a written complaint. Objections can result in resolution through the BC Conflict Resolution Tribunal, a costly process.
15. The competence and capacity of the Stonethro Strata Council to comply with Bylaw 5163 if applicable is limited. For example, a monthly inspection of the garages by the Strata Council as required by Clause 9.63 is not feasible. The garages at Stonethro are registered private property. The Strata Council has no right of access to private property other than regarding any common property contained therein or related thereto. Proven strata bylaw contraventions are subject to readily ignorable, modest penalties.
16. **Impact.** In addition to negatively impacting their enjoyment of their property, conforming to the intent of the Bylaw could impose significant financial costs to Stonethro owners unjustified by the perceived level of risk avoided. Such costs could include:
- a. **Loss of amenity** and reduction in market value.
  - b. **Increased operating cost** (management, maintenance and gardening)
  - c. **Adaptation construction costs**
17. **Recommendations.** The recommended sustainable solution in respect to Stonethro is for the District Council to:
- (a) clarify and enact an amendment to Bylaw 5163, 2021 that will classify existing duplex and triplex townhouses with attached garages in the same category as single-family homes for the purposes of the Bylaw enforcement;
  - (b) request the West Vancouver Fire and Rescue Service to:
    - i. cease mandatory regular inspections of the attached garages of such townhouses; and
    - ii. cancel all alleged violation remediation orders issued to the subject townhouse Strata Corporations, by the West Vancouver Fire and Rescue Service prior to enactment of the bylaw in (a) above

-oOo-

PStott Rev 3.1, 220717

**Attachment:** BCS1593 Registered Basement Level Survey

Attachment 1 BCS1593 Registered Basement Level Survey



FILED VAN/CS1593 561851 2006-01-11-11:07:55:157969

ORIGINAL

February 21, 2019

Bulletin 2019-001-FI

## Storage in Underground Parking Facilities

Fire By-law 11312 does not prohibit the storage of incidental items in a parking garage provided the fire protection system within the parkade is not overtaxed. It is understood that many other jurisdictions interpret the BC Fire Code as “no incidental storage allowed” and this creates much of the confusion and controversy; however this is not the intent of Building or Fire Codes in Canada. If basic measures of good housekeeping are observed, the presence of combustibles does not constitute an undue fire hazard.

The building and fire codes in Canada classify parking garages as “Low Hazard Industrial Occupancies”, and if sprinklered, the sprinklers must be designed in accordance with the NFPA 13 standard. Note the occupancy classification in building and fire codes do not necessarily correlate with occupancy classification in the NFPA standard.



Under NFPA 13 the fire protection sprinklers for garages are typically designed to “Ordinary Hazard Group 1” which is defined as occupancies where combustibility is low, quantity of combustibles is moderate, stockpiles of combustibles do not exceed 8 feet (2.4 m) and fires with moderate rates of heat release are expected. Other examples of Ordinary Hazard Group 1 are restaurant service areas, automobile showrooms, and bakeries.

For the purposes of compliance to the British Columbia Fire Code or Vancouver Fire By-law, one or more of the following actions may be ordered by the Fire Chief.

1. Immediately remove ALL propane cylinders from within the building, facility and or underground parking garage and store in a secure location outside.



2. Return all parking stalls to their original use as vehicle storage. Use of parking stalls as other than vehicle storage constitute a “change of use” and will require approval from the City through the development and building permit processes.
3. Remove all partitions and walls in the parking garage that have been constructed without development or building permits.
4. Building owner to retain the services of a professional engineer to review the type and quantity of the fire load that needs to be protected by sprinklers.

Where the amount of combustibles is excessive (such as in a general storage room) or higher rates of heat release are expected (if there is a substantial amount of plastics, for example) the fire sprinkler system design must be reviewed by a professional engineer and upgrades may be required (under a sprinkler permit), or the amount of combustibles must be reduced.

Whether a particular storage arrangement conforms to the fire bylaw is determined on a case by case basis. For example, bicycles should be, but not necessarily, stored in bicycle lockers, or be secured to bicycle racks, and cans of paint or other combustible liquids should be stored inside metal cabinets to prevent their falling and rolling on the floor. Canoes or kayaks, if they do not exceed the conditions of Ordinary Hazard Group 1 in their numbers, do not obstruct the sprinklers, are not stacked, and if they are secured in place and can remain in place during a fire without affecting aisles and means of egress, would generally be acceptable inside a vehicle storage garage.

This bulletin may aid building owners, managers, and strata councils in the development of housekeeping rules and strata by-laws to mitigate the risk of accidental fire within the parking garage, while also allowing for the reasonable storage of materials within the garage.

Should you have further questions or inquiries regarding the information provided above, please do not hesitate to contact the City of Vancouver by dialing 3-1-1 and asking to speak with the Fire Prevention Division of Vancouver Fire Rescue Services.

Signed,

---

Rick Cheung, P.Eng. CP, FEC  
Assistant Chief Fire Protection Engineer

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Ray Bryant  
Assistant Chief Community Safety

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Rob Renning  
Deputy Chief Community Safety



**From:** [REDACTED] s. 22(1)  
**Sent:** Sunday, September 11, 2022 7:18 AM  
**To:** correspondence; Mary-Ann Booth; Bill Soprovich; Craig Cameron; Marcus Wong; Peter Lambur; Sharon Thompson; Nora Gambioli  
**Subject:** Proposed 2022-2026 Five-Year Financial Plan Bylaw 5185, 2022, Amendment Bylaw 5219, 2022 and Proposed Phase 2 Capital Funding Report: Consideration of three readings and funding approval.

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Your Worship,

The above captioned amendment bylaw cites the Mid-year Quarterly Financial Report in support of increased spending to authorized under the amended financial plan for plan year 2022.

However, interested ratepayers and residents seeking information from the Mid-term 2022 Quarterly Report are frustrated when they turn to the District's website under the broad category of "Financial Information: Quarterly Reports" for calendar year 2022 only to find no such report for the second quarter of 2022.

When do you propose to rectify the information gap and post the Mid-term (2nd Quarter) financial report referred to in the above captioned agenda item appearing in the agenda for the regular council meeting of the 19th instant?

Sincerely,

[REDACTED] s. 22(1)  
[REDACTED] s. 22(1) West Vancouver [REDACTED] s. 22(1)

[REDACTED] s. 22(1)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Monday, September 12, 2022 5:10 PM  
**To:** correspondence  
**Subject:** New Arts Building for West Vancouver.

CAUTION: This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Sir or Madam.

Recently, I was sent a survey which was seeking my opinion on a new Arts Center for West Vancouver. Unfortunately, I was unable, for reasons unknown to me, to do so. Given that I was retired before the 'Internet', I am not well-versed in the vagaries and intricacies of the computer and, as a consequence, have to resort to writing to you in this manner.

If there is any interest in my opinion on the subject matter, I would suggest that all the old buildings on the Ambleside waterfront should be torn down before they fall down or are washed away by the ever-increasing high tides!

The freeing-up of the land on which these old buildings stand would add to the area of our magnificent Ambleside/John Lawson Parks.

Where to put a new Arts Center? Well, the under-used tennis courts that are at the corner of Marine Drive and 13th Street should, in my opinion, be given serious consideration.

Best regards,

[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

West Vancouver, BC.

[REDACTED] s. 22(1)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, September 13, 2022 10:24 AM  
**To:** correspondence  
**Subject:** Fwd: Ambleside Pitch and Putt Course charges

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

I'm trying a different email address.

Begin forwarded message:

**From:** [REDACTED] s. 22(1)  
**Subject:** Fwd: Ambleside Pitch and Putt Course charges  
**Date:** September 10, 2022 at 6:06:31 PM PDT  
**To:** [MayorandCouncil@westvancouver.ca](mailto:MayorandCouncil@westvancouver.ca)

Sending this again, hoping to get a response!!

Begin forwarded message:

**From:** [REDACTED] s. 22(1)  
**Subject:** Ambleside Pitch and Putt Course charges  
**Date:** August 29, 2022 at 6:12:19 PM PDT  
**To:** [MayorandCouncil@westvancouver.ca](mailto:MayorandCouncil@westvancouver.ca)

Hello Mayor Booth and council:

Yesterday (Sunday), I took my [REDACTED] s. 22(1) to the Ambleside Pitch and Putt Golf Course and got a shock at the prices. Outside on a sign, it is posted \$11.00 for seniors, 14.50 for adults and \$8. for children up to 18. Family rate being \$30. So I went to pay the \$30. for [REDACTED] s. 22(1) at the posted family rate; and was **shocked** when the employee said on weekends, there is a flat \$14.50 charge across the board for each and everyone. Apparently he gets a lot of flak from customers. What a ridiculous CASH-GRAB!!! There is no sign stating such and why should weekend rates be higher than weekdays?? Is it because most adults and children are busy at work or at school so WHY NOT TAKE ADVANTAGE OF THEM ON WEEKENDS and also "FLEECE" GRANDPARENTS (SENIORS) who might be treating them to some fun?? I hope you will adjust this increased pricing and honour what is stated on the sign outside. Don't we have enough to contend with at the high inflation rate at this time and high property taxes, not to mention the over-congested Taylor Way-Marine Drive streets??

Thank you and hope you will adjust those high rates on weekends!! Excuse my harshness but I find this so distressing!

s. 22(1)

West Vancouver, B.C. s. 22(1)

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**From:** [REDACTED] s. 22(1)  
**Sent:** Wednesday, September 14, 2022 12:59 AM  
**To:** correspondence  
**Subject:** Who was in charge at the WV Municipal Hall on Sep 8th/22?

CAUTION: This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Mayor and Council,

Who was in charge at the WV Municipal Hall on Thursday, Sept 8th/22? The Mayor? The Chief Administrative Officer? Most concerning to the citizens of West Vancouver, it would appear there was nobody at the helm that day. At least, nobody capable of taking quick and decisive action as owed to and expected by the citizens of West Vancouver, the people you serve!

None of us need be reminded of the significance of that momentous day. At approximately 1030hrs on Sep 8th/22, we all sadly learned of the death of our beloved Queen and Head of State.

What actions should have been taken but were not?

1) The District of West Vancouver failed to IMMEDIATELY lower ALL its flags to half mast as a sign of respect and honour. Three hours after the death announcement, a member of the public noticed the three Ferry Building flags had not been lowered. Only because of her efforts in contacting Municipal Hall (first left a voicemail, then sent an email) did the employee eventually get those flags lowered but by now it was mid-afternoon.

2) The District of West Vancouver failed to IMMEDIATELY cancel all its public meetings. There was one published meeting scheduled that day, the Arts Facilities Advisory Committee (AFAC) - Capital Funding Subcommittee at 4 PM via electronic communication facilities. Seeing on the District's website that this meeting was still listed to occur, I emailed the heads of the Community Relations / Communications department and the Cultural Services department to request it be cancelled out of respect. Unbelievably, the cancellation decision was then deferred to the AFAC subcommittee co-chairs (who are citizens not District staff!) who then made the grave error to carry on regardless with business as usual and hold the meeting. The burden of this decision should never have been placed on these two people but still, the magnitude of this day and the obvious need to cancel that day's meeting, was inconceivably lost on them. Per its modus operandi, this Committee put itself and its single-minded agenda first and once again failed to live up to its own Terms of Reference i.e. Committee members are required to possess 'an ability to look beyond personal interests for the benefit of the community and residents of West Vancouver'.

It's a given. All flags at our public buildings should have been immediately lowered to half mast. All meetings that involved the public that day should have been immediately cancelled.

The incompetence on display that day was clearly evident. Shame on our Mayor, shame on our Municipal Hall staff, and shame on AFAC. There is no explanation or excuse or words you can say to appease your blatant lack of respect to our Queen and your outright failure and lack of duty to the citizens of West Vancouver. Disgraceful!

God help us all the next time quick and decisive leadership is urgently needed in West Vancouver.

Sincerely,

s. 22(1)

West Vancouver, BC

s. 22(1)

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
COMMUNITY ENGAGEMENT COMMITTEE MEETING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
WEDNESDAY, JULY 6, 2022**

---

Committee Members: E. McHarg (Acting Chair), J. Berg, G. Nicholls, J. Roote, and J. Webbe; and Councillors C. Cameron (Chair), N. Gambioli, and S. Thompson attended the meeting via electronic communication facilities. Absent: L. Carver and J. Sidhu.

Staff: D. Powers, Director of Community Relations & Communications; A. Mafi, Communications & Engagement Manager (Staff Liaison); K. Andrzejczuk, Communications & Engagement Coordinator (Committee Clerk); and C. Rosta, Cultural Services Manager attended the meeting via electronic communication facilities.

**1. CALL TO ORDER**

The meeting was called to order at 4:01 p.m.

**2. APPROVAL OF AGENDA**

It was Moved and Seconded:

THAT the July 6, 2022 Community Engagement Committee meeting agenda be approved as circulated.

CARRIED

**3. ADOPTION OF MINUTES**

It was Moved and Seconded:

THAT the May 17, 2022 and June 1, 2022 Community Engagement Committee meeting minutes be adopted as circulated.

CARRIED

**REPORTS / ITEMS**

**4. Arts & Culture Engagement – Survey Review**

A. Mafi (Communications & Engagement Manager) spoke relative to the Arts Planning: Visioning draft survey and informed that the survey will launch in July 2022 and be open until September 2022; and requested feedback on the draft survey from the Community Engagement Committee.

Discussion ensued and the Community Engagement Committee provided the following feedback:

- The survey is good overall, with some clarifications and improvements to the wording;
- Be clear that the goal of this engagement is to confirm the vision for an arts and culture centre;



- Question 1: Consider whether skip logic should be used to end the survey for those who do not think arts and culture programming is important; D. Powers (Director, Community Relations & Communications) informed that it is important to be transparent and that the data can be filtered from the survey results;
- Question 1: Add a response option that says “Arts and culture programming is important, but not at this time”;
- Questions 2 and 3: Add open ended questions to ask “why”; clarify whether these questions refer to private and/or public facilities; adjust questions to include pre- and post-pandemic needs;
- Question 4: Consider whether it is important to ask about the use of facilities outside of West Vancouver; D. Powers informed the purpose of that question is to measure a need that is not being met;
- Questions 5 and 6: Compress and organize the list of uses; organize based on considerations that impact facility design; youth;
- Question 8: Organize response options so that “live in West Vancouver” is at the top; remove “prefer not to say”;
- Question 12: Add an age group for those under 25 years old;
- Simplify language for those who do not have existing knowledge of arts and culture;
- Be clear that current facilities are not adequate, there are changing needs due to the pandemic, and explain why engagement is happening again;
- Include a question that asks respondents to suggest solutions to address the facility needs;
- Reduce wordy sentences, where possible;
- Include a question related to accessibility for people of different abilities;
- If the facility could be rented for a private event, make that clear; and
- Improve the pre-amble; clarify that the need has been identified and we are confirming the vision; add detail and examples of existing arts and culture facilities.

E. McHarg left the meeting at 4:17 p.m.

D. Powers informed that staff will consider feedback and revise the draft survey; and the revised survey will be sent via email to the Community Engagement Committee for a final review before launch.

Councillor Cameron (Chair) left the meeting at 4:29 p.m.; as E. McHarg (Acting Chair) was absent from the meeting, Councillor Gambioli assumed the Chair.

It was Moved and Seconded:

THAT the discussion regarding Arts & Culture Engagement – Survey Review be received for information.

CARRIED

Councillor Cameron and E. McHarg absent at the vote

J. Webbe left the meeting at 4:30 p.m.

## 5. Staff Update: Review of Engagement Underway

A. Mafi (Communications & Engagement Manager) provided an update regarding the following:

- Engagement regarding Hugo Ray Park pickleball courts has concluded and staff are analyzing the feedback;
- Arts planning workshops were held in June and had a great turnout; the survey will launch in July and will be open until September 2022; and
- There will be no further engagement events during the summer.

Councillor Thompson left the meeting at 4:35 p.m.

As quorum was lost, the meeting was adjourned at 4:35 p.m. All remaining agenda items were deferred to a subsequent meeting.

A member of the public commented regarding the arts centre proposal and noted concerns regarding size, location, and cost of the project.

Certified Correct:

s. 22(1)

Chair

s. 22(1)

Committee Clerk

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
ARTS & CULTURE ADVISORY COMMITTEE MEETING MINUTES  
VIA ELECTRONIC COMMUNICATION FACILITIES  
THURSDAY, JULY 7, 2022**

---

Committee Members: S. Tsangarakis (Chair), J. Baxter, R. Finley, D. Khormali, B. Milley, and S. Swan attended the meeting via electronic communication facilities. Absent: Councillor P. Lambur, P. Bowles and K. Rosin.

Staff: D. Niedermayer, Senior Manager, Cultural Services (Staff Liaison); and F. Costa, Cultural Services Department Secretary (Committee Clerk) attended the meeting via electronic communication facilities.

**1. CALL TO ORDER**

The meeting was called to order at 3:11 p.m.

**2. APPROVAL OF AGENDA**

It was Moved and Seconded:

THAT the July 7, 2022 Arts & Culture Advisory Committee meeting agenda be approved as circulated.

CARRIED

**3. ADOPTION OF MINUTES**

It was Moved and Seconded:

THAT the June 2, 2022 Arts & Culture Advisory Committee meeting minutes be adopted as circulated.

CARRIED

**REPORTS / ITEMS**

**4. Council Liaison Update**

There was no update.

**5. Arts Facilities Advisory Committee Update**

R. Finley reminded the Committee that an update on the work of the Arts Facilities Advisory Committee (AFAC) will be presented to Council on July 11.

Staff updated the Committee about the community workshops held from June 22 to 27. The workshops had participation from a diverse group of arts organizations and residents with differing viewpoints. This provided great input for the development of the vision and concept for a new arts facility. A community-wide survey will be available from July 15 to September 15. Committee members who participated in the workshops shared their experiences.

It was Moved and Seconded:

THAT the verbal report regarding Arts Facilities Advisory Committee Update be received for information.

CARRIED

## **6. Meetings with Community Groups – Art Museum Advisory Committee**

This discussion is deferred until the fall as the Art Museum Advisory Committee and Art Museum staff are currently in the middle of the West Coast Modern Week and could not participate today.

It was Moved and Seconded:

THAT the discussion regarding Meetings with Community Groups – Art Museum Advisory Committee be deferred to the fall.

CARRIED

## **7. Strategic Planning Session Discussion**

Chair reminded the Committee of the notes that were distributed after the Strategic Planning Session held on June 2, 2022. The Committee's Terms of Reference were reviewed, and Committee members suggested a few changes for clarity that would be finalized and presented to Council for approval sometime in the future. The Chair reminded the Committee about the key outcomes and action items identified in the planning session. The Committee discussed options to move forward with the priorities.

It was Moved and Seconded:

THAT Staff be directed to:

1. advance the research into successful arts and culture initiatives, programs and strategies of other communities by developing a list of questions along with an introductory script for interviews;
2. develop the list of 4-6 communities similar to West Vancouver where this research will be conducted as well as a contact person in that community who can answer the questions; and
3. assign committee members to conduct the questionnaires once approval has been confirmed.

CARRIED

## **8. Staff Update**

Staff reported on the following:

- the unveiling of the "Small World" public art project at the Community Centre on June 29, 2022.
- the Harmony Arts Festival starts on July 29, 2022 with a busy art programming and the participation of various artists in the Art Market and Groups Exhibition.

It was Moved and Seconded:

THAT the verbal report regarding Staff Update be received for information.

CARRIED

**PUBLIC QUESTIONS**

**9. PUBLIC QUESTIONS**

There were no questions.

**NEXT MEETING**

**10. NEXT MEETING**

It was Moved and Seconded:

THAT

1. the next Arts & Culture Advisory Committee meeting be scheduled to August 31, 2022 at 2 p.m. and be held in-person at the Raven Room in the Municipal Hall; and
2. the Arts & Culture Advisory Committee meeting on September 7, 2022 be cancelled.

CARRIED

**11. ADJOURNMENT**

It was Moved and Seconded:

THAT the July 7, 2022 Arts & Culture Advisory Committee meeting be adjourned.

CARRIED

The meeting adjourned at 4:36 p.m.

Certified Correct:

s. 22(1)

\_\_\_\_\_

Chair

s. 22(1)

\_\_\_\_\_

Committee Clerk

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**From:** Cindy L. Mayne  
**Sent:** Tuesday, September 13, 2022 10:21 AM  
**To:** s. 22(1)  
**Cc:** correspondence  
**Subject:** Council Correspondence - s. 22(1) - Abandoned Development

Dear s. 22(1),

Thank you for your correspondence it has been forwarded to the Planning & Development Services Department for response. Staff are aware that a project to construct s. 22(1) at the subject address has stalled for some years.

DWV staff have been in regular contact with the owner over the past several years with a view to cleaning up the site, and completing the project. To date, permits remain valid on the property, and recently the owner was requested to have their Registered Professional Consultants inspect the construction and comment on the integrity of the building and site, given the incomplete nature of the work. A deadline for this information to be submitted to our office has been set for the beginning of October.

Staff continues to compel the owners to take steps to complete the project. With regard to the untidy premises, District Bylaw Enforcement Officers are actively investigating the various contraventions of the Good Neighbour Bylaw. A Bylaw Officer will reach out to you with an update as soon as the file progresses.

Please let us know if you have any further questions.

Best regards,

**Cindy Mayne on behalf of Jim Bailey, Director of Planning & Development Services**  
Executive Assistant to the Director of Planning & Development Services | District of West Vancouver  
t: 604-925-7178 | [westvancouver.ca](http://westvancouver.ca)





**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, August 30, 2022 1:07 PM  
**To:** correspondence  
**Cc:** Christie Mills; Kevin Spooner  
**Subject:** RE: [REDACTED] s. 22(1) - Abandoned Development.

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Please see additional complaints below in reference to [REDACTED] s. 22(1), and note that we have not had a response from the Permits Dept since the last correspondence on June 1. This matter requires immediate attention.

[REDACTED] s. 22(1)

**From:** [REDACTED] s. 22(1)  
**Sent:** Friday, August 26, 2022 3:25 PM  
**To:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>; Kevin Spooner <[kspooner@westvancouver.ca](mailto:kspooner@westvancouver.ca)>  
**Cc:** Bylaw Dept <[BylawDept@westvancouver.ca](mailto:BylawDept@westvancouver.ca)>  
**Subject:** RE: [REDACTED] s. 22(1)  
**Importance:** High

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Hello, I am still waiting for a response from the City on the status of [REDACTED] s. 22(1), which remains in violation of the Good Neighbour Bylaw. I would like to know if the developer's permit has been renewed, and when the property will be cleaned up so that it complies with the bylaw. It should also be noted that the same "developer" has abandoned another property in the vicinity, which has the same issues as this one. Both of the developer's properties could accommodate a total of ~16 people, so it's an absolute disgrace that they're allowed to get away with this, especially now during the housing crisis in Vancouver. Developers should be penalized if they cannot complete a development of this size within 24-36 months (the [REDACTED] s. 22(1) project has been stalled for over 4 years), and they should be held accountable for maintaining the property in a reasonable state during the development process. This developer has upset all of the property's immediate neighbours, so I will ask one more time for the City to perform their duty and address the issue before I consider escalating further.

[REDACTED] s. 22(1) [REDACTED] *CONFIDENTIALITY NOTICE: This email, including any attachments, may contain information that is confidential and privileged. Any unauthorized disclosure, copying or use of this email is prohibited. If you are not the intended recipient, please notify us by reply email or telephone call and permanently delete this email and any copies immediately.*

**From:** [REDACTED] s. 22(1)  
**Sent:** June 22, 2022 10:19 AM  
**To:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>  
**Cc:** Bylaw Dept <[BylawDept@westvancouver.ca](mailto:BylawDept@westvancouver.ca)>; [REDACTED] s. 22(1)  
**Subject:** RE: [REDACTED] s. 22(1)



Hello Christie, I have not heard back since your last reply on June 1. Yesterday, someone was on the s. 22(1) property rescuing a juvenile raccoon that was trapped on the basement suite's patio that is flooded. In addition, neighbours have now taken it upon themselves to cut back the bush that is impeding the alley in order to reduce the risk of cars not seeing bikes, pedestrians etc. I can appreciate how oversubscribed the District is, but the developer should be held accountable for all bylaw infractions.

Thank you for your help.

s. 22(1)

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s. 22(1)

Canada

**From:** s. 22(1)

**Sent:** June 14, 2022 10:31 AM

**To:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>

**Cc:** s. 22(1)

**Subject:** RE: s. 22(1)

**Importance:** High

Hello Christie, I have waited patiently for 2 weeks and still no response. Below are pictures taken yesterday. The property needs to be cleaned up, the fence still needs repair, there is consistent flooding, wildlife (skunks and racoons) are falling into the basement patio and drowning, 50% of the alley way is blocked due to an overgrown tree on their property (kids on bikes are at severe risk), there is dumping going on, rotten wood and drywall in the carport etc, etc. How can I escalate this issue so that something is done?

s. 22(1)





s. 22(1)

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*immediately.*

**From:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>

**Sent:** June 1, 2022 2:22 PM

**To:** [REDACTED] s. 22(1)

**Subject: RE:** [REDACTED] s. 22(1)

H [REDACTED] s. 22(1)

I have asked staff to provide me with an update.

An inspector is looking into it today.

I should have a more definitive response to you before the end of the week.

Christie Mills RBO she / her  
Manager of Permits & Inspections | District of West Vancouver  
d: 604-925-7246 | t: 604-925-7040 | [westvancouver.ca](http://westvancouver.ca)

The Permits, Inspections and Land Development Department operates remotely. We continue to provide service by email, phone and onsite inspections.

We accept documents via the Document Upload Centre. Visit [westvancouver.ca/upload](https://westvancouver.ca/upload) to learn more.

**Spring 2022 update:** Customers should expect permit reviews to take several months longer than normal. [Learn more on our website](#)

We acknowledge that we are on the traditional, ancestral and unceded territory of the Sk̓wx̓wú7mesh Úxwumixw (Squamish Nation), səliłwətaʔ (Tsleil-Waututh Nation), and x̣məθḳəỵəm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

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**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, May 31, 2022 6:49 PM  
**To:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>  
**Cc:** [REDACTED] s. 22(1)  
**Subject:** RE: [REDACTED] s. 22(1)

**CAUTION:** This email originated from outside the organization from email address [REDACTED] s. 22(1). Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Hello, following up on my email from May 25. Could you or someone on your team please contact me about this issue.

Thank you.

[REDACTED] s. 22(1)

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**From:** [REDACTED] s. 22(1)  
**Sent:** May 25, 2022 12:45 PM  
**To:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>  
**Subject:** RE: [REDACTED] s. 22(1)

Hi Christie, I'm following up on [REDACTED] s. 22(1) as there has been no movement on the property since we last connected on March 1. The property is again overgrown with weeds, people are dumping refuse on the property, tar paper is coming off, ladders are falling, fences have not been remedied etc. Has the developer's permit been renewed? Could you please enforce them to clean up the property (Good Neighbour Bylaw 4380). Happy to receive an email response or phone call for a status update at your earliest convenience.

Thanks for your time.

[REDACTED] s. 22(1)

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use of this email is prohibited. If you are not the intended recipient, please notify us by reply email or telephone call and permanently delete this email and any copies immediately.

**From:** [REDACTED] s. 22(1)  
**Sent:** Tuesday, March 1, 2022 9:34 AM  
**To:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>  
**Subject:** RE: [REDACTED] s. 22(1)

Thanks for the update, Christie. I'm sure the DWV can appreciate the frustration we are all experiencing from these two projects. They are really impacting our quality of life.

Regards,  
[REDACTED] s. 22(1)

[REDACTED] s. 22(1)

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**From:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>  
**Sent:** Tuesday, March 1, 2022 9:05 AM  
**To:** [REDACTED] s. 22(1)  
**Subject:** RE [REDACTED] s. 22(1)

Good morning Daniel,

Thank you for your email.

With regard to [REDACTED] s. 22(1), our inspection staff have been on site several times in February, in response to several recent complaints regarding the lack of activity on this project. The project appeared to have stalled, and has therefore been placed on our Abandoned Project List for follow up. The owner has since confirmed that work will soon commence, and has taken action within this past several weeks so that the permits authorizing the work are again valid. I can confirm that the owner has also been requested to service or remove the site toilet, as well as address the fencing. Our staff is scheduled to follow up by the end of this week.

Inspections are ongoing at [REDACTED] s. 22(1) (most recently mid-February). It is our expectation that the owner work with DWV inspection staff to complete the project without further delay.

As we work to encourage completion of these projects, we will not be providing ongoing updates, however, please email me directly should you have any further concerns.

**Christie Mills** RBO she / her  
Manager of Permits & Inspections | District of West Vancouver  
d: 604-925-7246 | t: 604-925-7040 | [westvancouver.ca](http://westvancouver.ca)





Starting Monday, April 19, we are accepting many applications and documents via the Document Upload Centre only. Visit [westvancouver.ca/upload](http://westvancouver.ca/upload) to learn more.

Municipal Hall is closed to the public due to COVID, but we continue to provide service by email, phone and onsite inspections.

.....  
We acknowledge that we are on the traditional, ancestral and unceded territory of the Skwxwú7mesh Úxwumixw (Squamish Nation), səliłwətaʔt (Tseil-Waututh Nation), and xʷməθkʷəy̓əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

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**From:** [REDACTED] s. 22(1)  
**Sent:** Sunday, February 27, 2022 5:59 PM  
**To:** Christie Mills <[cmills@westvancouver.ca](mailto:cmills@westvancouver.ca)>  
**Subject:** [REDACTED] s. 22(1)

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Hello Christie,

Could you please let me know what the status of [REDACTED] s. 22(1) is? Has the project been abandoned? Does the property still have a valid construction permit? This property has been an eye sore to us neighbours for almost 5 years now.

Also, could you please let me know if [REDACTED] s. 22(1) has a valid occupancy permit? It appears that people have been living in that dwelling since last December.

Thanks.

[REDACTED] s. 22(1)

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[REDACTED] s. 22(1)

(He, Him, His) –

[REDACTED] s. 22(1)

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**From:** [REDACTED] s. 22(1) >

**Sent:** August 30, 2022 12:42 PM

**To:** [bylawdept@westvancouver.ca](mailto:bylawdept@westvancouver.ca); [amarginson@westvancouver.ca](mailto:amarginson@westvancouver.ca); [cmills@westvancouver.ca](mailto:cmills@westvancouver.ca); [kspooner@westvancouver.ca](mailto:kspooner@westvancouver.ca); [mayorandcouncil@westvancouver.ca](mailto:mayorandcouncil@westvancouver.ca); [REDACTED] s. 22(1)

[REDACTED] s. 22(1)

**Subject:** [REDACTED] s. 22(1) - The saga continues ...

To The District of West Vancouver

We live at [REDACTED] s. 22(1) - next door to an abandoned duplex.

I am assuming there is a file outlining the challenges with this project and staff are aware of our concerns. Having said that - this project continues to be a blight on our neighbourhood with no end in sight!

A brief project overview:

- Demolition of the home [REDACTED] s. 22(1) took place in 2017
- Construction on the duplex comenced in 2018
- The approved project plans were reviewed by an architect during construction and found to be non-compliant in several areas with your current building code.
- A minor concession was made and some of the building mass was reduced on each side.
- At a board of variance meeting in [REDACTED] s. 22(1) the builder expressed the need to expedite a hydro connection and move from the temporary power pole.
- Two years later, the duplex is still connected to a temporary power pole.
- The site is an eyesore and has become a refuge for weeds and garbage.

It is apparent that the owner of [REDACTED] s. 22(1) continues to ignore the ' Good Neighbour' letters sent by Bylaws.

It has also come to my attention that the owner of [REDACTED] s. 22(1) also owns a Duplex in the [REDACTED] s. 22(1) that is in total disrepair.

A resident of that street noted that the site now houses rats and racoons and that calls to bylaws have not improved the situation.

Surely the District of West Vancouver can compel the owner of these two properties to clean them up and maintain them?

Regards,

[REDACTED] s. 22(1)

|