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**TO:** CITY MANAGER **DATE:** 2017 May 17

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 2125 20  
*Reference: UBCM Resolutions*

**SUBJECT:** 2017 UBCM RESOLUTIONS

**PURPOSE:** To present resolutions for submission to the 2017 Union of BC Municipalities (UBCM) Convention.

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**RECOMMENDATIONS:**

1. **THAT** Council endorse the two new resolutions outlined in Section 2.0 of this report for submission to the 2017 UBCM Convention.
2. **THAT** staff be authorized to forward a copy of this report, accompanied by any applicable background reports and information, to the UBCM, located at Suite 60, 10551 Shellbridge Way, Richmond, BC V6X 2W9.
3. **THAT** copies of this report be forwarded for information to Burnaby MLAs and MPs.

**REPORT****1.0 INTRODUCTION**

Each year, resolutions are considered for submission to the Lower Mainland Local Government Association (LMLGA) Annual General Meeting (AGM). The adopted resolutions from the LMLGA are then forwarded to the Union of B.C. Municipalities (UBCM) Convention. These resolutions are a means to request amendments to the *Community Charter, Local Government Act* and other Provincial or Federal legislation and policies to address issues of significance to local government.

This report presents two new resolutions for Council's consideration as a submission to the 2017 UBCM Convention. The deadline for submissions to the LMLGA AGM, which took place from 2017 May 10 – 12 in Harrison Hot Springs, BC, passed on 2017 March 24. The UBCM Convention will take place from 2017 September 25 – September 29, in Vancouver, BC. The deadline for any resolution submissions made directly to the UBCM is 2017 June 30.

For the convenience of Council, this report also details the senior government response to resolutions previously approved by Council and submitted to the LMLGA AGM and the UBCM Convention in 2016 and 2015.

## **2.0 2017 UBCM RESOLUTIONS**

This section provides background information on two new resolutions that have been developed for Council's consideration and possible submission to the 2017 UBCM convention.

### **2.1 Resolution: Maintaining Tax-free Status of Employer-provided Health Benefit Plans**

On 2017 April 3, Council received a report regarding the Federal Government's consideration of amendments to the *Federal Income Tax Act* that would result in Canadians being taxed on employer-provided health benefit plans. With the release of the 2017 Federal Budget, the Federal Government announced that it has no plans in 2017 to pursue these amendments. At that time, the Federal Government indicated that the current tax exemption status of employer-provided health benefits was being scrutinized as part of a sweeping review of tax credits with the goal of achieving greater tax equity and not as a revenue generating action. While not included in this year's budget, concern still exists that this measure may be revisited in the future.

The introduction of taxation on employer-provided health benefit plans would negatively impact many Canadian employers, including municipalities. Mercer Canada, a global human resources consulting firm, advises that removal of the tax exemption status of employer-provided health benefit plans could destabilize employer contributions as employees choose to opt out of coverage due to increased taxable income. It also advised that ending the tax exemption of employer-provided health benefit plans would effectively reduce employee after-tax compensation, which could result in challenges for employers with regard to collective bargaining, as well as devaluing post-retirement benefits accrued over the working career of retired members; all resulting in increased costs. Mercer Canada also advised that removal of the tax exemption would negatively impact employers who rely on health benefit contributions to maintain a healthy workplace, improve productivity and wellbeing of employees, and attract and retain people needed for innovation and growth.

Many middle class and lower income Canadians rely on employer-provided health benefits to sustain their health and as noted above, more employees may opt out of coverage due to increased costs or lose their coverage due to the inability of employers to provide affordable plans. Middle and lower income employees could also see a reduction in their take-home pay due to increased taxation. The experience in Quebec, where employer-provided health benefit plans are taxable, suggests that fewer people will obtain replacement coverage and the number of uninsured Canadians will rise, shifting cost pressures onto the public health care system.

In light of these concerns, the following resolution has been prepared for Council's consideration.

#### **RESOLUTION: Maintaining Tax-free Status of Employer-provided Health Benefit Plans**

**WHEREAS** employer-provided health benefits plans help fill crucial gaps in the public health system;

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**AND WHEREAS** group health benefit plans cover nearly \$30 billion annually in health care costs for up to 22 million Canadians and their families, accounting for nearly 30% of the health-related spending nationally;

**AND WHEREAS** group coverage offers significant cost savings and access advantages over individual insurance.

**THEREFORE BE IT RESOLVED** that the Union of BC Municipalities call on the Federal Government, through the Federation of Canadian Municipalities, to maintain the tax-free status of employer-provided health benefit plans.

**2.2 Resolution: Provincial Compensation for Delinquent Municipal Property Taxes on Properties not Subject to Tax Sale**

The *Community Charter* and the *Local Government Act* set out regulations regarding actions that municipalities can take to recover unpaid property taxes, including any interest and penalties owing on those taxes, by means of a tax sale. However, Section 257 (1) of the *Community Charter* restricts a municipality from auctioning off any property or water lot belonging to the Crown or Crown entity that is held under lease or licence. The Minister of Community, Sport and Cultural Development has the power under Section 781 of the *Local Government Act* to authorize a municipality to write off uncollectible property taxes: however, this only serves to cancel the outstanding taxes due, and renders a municipality unable to recover the lost revenue from said property.

On 2017 February 22, Council received a memo outlining an instance whereby the City was unable to pursue the courses of action outlined in legislation to resolve delinquent taxes related to a waterlot leased by a third party from Port Metro Vancouver. Because the waterlot was controlled by Port Metro Vancouver, not the Province, the City was unable to notify the Ministry about the delinquent taxes and request that the lease be terminated and the delinquent taxes be written off as legislated. To further complicate matters, Port Metro Vancouver was unable to authorize the City to cancel the taxes due. Despite continued efforts to receive payment from the third party, the taxes were not recovered. The City has now written to the Minister to write off its portion of the taxes due. If approved, the City would then be in a position to request reimbursement from other taxing authorities for the portion of property taxes already paid out by the City for this property. However, there is no course of action to reimburse the City for the City portion of taxes foregone.

Processes by which municipalities are authorized to deal with delinquent property taxes can be complex, time consuming, and inadequately protect a municipality's ability to recover lost revenue. Given the above concerns, the following resolution has been prepared for Council's consideration.



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**RESOLUTION: Provincial Compensation for Delinquent Municipal Property Taxes on Properties not Subject to Tax Sale**

**WHEREAS** the *Community Charter* and *Local Government Act* regulate municipal actions for the recovery of unpaid property taxes by means of a tax sale;

**AND WHEREAS** the *Community Charter* restricts municipalities from auctioning off any property belonging to the Crown or Crown entity that is held under lease or licence by a third party thereby eliminating municipalities' abilities to recover delinquent taxes;

**THEREFORE BE IT RESOLVED** that the Union of BC Municipalities call on the Provincial Government to repeal Division 13, Section 257(6) of the *Community Charter* and add a provision that makes the Province the final guarantor of taxes payable to a municipality in all cases whereby taxes are unrecoverable on Crown land held under lease or licence, or other property not subject to Tax Sale under Section 254 of the *Charter*.

### **3.0 STATUS OF ACTIVE 2016 RESOLUTIONS**

#### **3.1 Resolution: Renewed Call for a National Housing Strategy**

Burnaby has a long history of advocating for renewed and sufficient levels of support from senior levels of government to support a full continuum of non-market, affordable housing including independent social housing (e.g. cooperatives) and transition, supportive and assisted living housing arrangements.

In total, the City has submitted five housing-related resolutions to the UBCM with the first in 1990 and the most recent in 2014. To date only incomplete responses outlining current, often declining, levels of support have been received in response to these resolutions.

As Council is aware, high housing costs and record levels of household debt are pricing a growing number of Canadians out of homeownership. This is exacerbated by record low vacancy rates in the rental market and on an inadequate supply of non-market and affordable housing units. For some this pressure means that emergency shelters or homelessness become their only option. In addition to these impacted individuals and families, an inadequate continuum of housing options has negative economic and community impacts on local governments, such as limiting the ability to attract new workers to settle in the region and hindering efforts to create sustainable, complete communities.

Given these concerns, at its meeting of 2016 February 22, Council passed a resolution making a renewed call for the development of a National Housing Strategy. The resolution was subsequently endorsed by the LMLGA and the UBCM. The UBCM Resolutions Committee advised that UBCM membership has consistently endorsed resolutions calling on the Federal government to develop and implement a National Housing Strategy. The resolution was subsequently endorsed by UBCM at its 2016 September Convention. No official response from the Federal government has yet been received in response to this resolution.

However, the Federal government announced the launch of a public consultation process for the development of a National Housing Strategy on 2016 June 28. A Council endorsed statement was submitted as part of the consultation outlining the City's support for the process and suggested ways in which a National Housing Strategy could address housing issues in Burnaby. In 2016 November, the Federal government released its report, "What We Heard: Shaping Canada's National Housing Strategy", outlining the key themes that arose from the consultation. The Federal government anticipates releasing a comprehensive National Housing Strategy before the end of 2017. Staff will continue to monitor any arising Federal programs to secure additional affordable and supportive housing for Burnaby.

### **3.2 Resolution: Processing of Section 107 Road Dedications**

The *Land Title Act* is the legislation which sets out regulations for the proper registering and administration of the Province's land title system. *Section 107* provides the Province with a mechanism to create provincial highways and also to create municipal streets. Specifically of concern is the practice of *Section 107* land title filings by the Province being accepted by the Land Title and Survey Authority of British Columbia (LTSA), New Westminster Land Titles Office (LTO) without the signature and approval of the local Approving Officer. This practice occurs despite the prevailing legislation (*Land Title Act, Section 91.1*) which requires the signature of an Approving Officer.

This practice, which can result in the creation of municipal streets without the signature or awareness of the Approving Officer, creates a number of concerns for the City, and other local governments, including that:

- the process is not in compliance with the prevailing legislation;
- any environmental contamination associated with new road allowance represents a potential risk and liability for the City;
- the remaining parcel and associated development may be non-conforming with respect to the principal zoning of the property;
- the ownership of private improvements located within the new road allowance is transferred to the City, along with associated risk and responsibility of maintenance for public safety; and
- the private infrastructure necessary to support use of the site, such as driveways, drainage, parking, and other matters may be contained within the new road allowance being transferred to City jurisdiction, and is therefore no longer available to appropriately support the private use of the remaining parcel.

These concerns were communicated by City staff to the LTO via direct discussions and also through written correspondence dated 2011 June 22. Despite an acknowledgement of receiving the written correspondence and that the matter would be raised in the next Land Title Division teleconference taking place later that month and that further correspondence to clarify the approach would follow. Subsequent to the 2011 August 9 letter, no follow-up communication has been received.

The LTO's response letter also stated that *Section 107* contains 'vesting' language and that 'vesting' is a form of transfer, which permits the LTSA to accept alternative methods of filing from the Province under *Sections 91(f)* and *99(2)* of the *Act*. The City disagrees with this interpretation and notes that these sections only apply where a 'parcel' is being 'transferred' and not where a *portion* of a parcel is being dedicated to create road allowance.

The LTSA is established as a regulated authority by legislation (e.g. *Land Title and Survey Authority Act*, *Land Titles Act*), and is a publicly accountable, statutory corporation with a mandate to manage, operate and maintain the land title and survey systems in the province. The corporation is managed by a Board of Directors with input from a Stakeholder Advisory Committee. The Board includes representatives from a number of entities including the Province of B.C., the Union of BC Municipalities, the Law Society of British Columbia, and the Association of British Columbia Land Surveyors. On a day-to-day basis, the LTSA operates in compliance with a written *Operating Agreement* with the Province.

Given these concerns, at its meeting of 2016 February 22, Council passed a resolution calling for a review of the process for *Section 107* road dedications. The resolution was subsequently endorsed by the LMLGA. The UBCM Resolutions Committee provided no recommendation in reference to this resolution due to a lack of member policy direction on this issue. The resolution was subsequently endorsed by UBCM at its 2016 September Convention. The Province responded to UBCM that it supports transportation infrastructure being developed in a way that reflects the current legislation requirements and is open to discussion with UBCM on this topic. Staff will continue to monitor progress on this matter.

### **3.3 Resolution: Standardize Provincial Approach to Tenant Assistance**

At its meeting of 2015 May 4, Council approved a Tenant Assistance Policy for implementation as part of the City's rezoning development approval process. Residential tenancy law in British Columbia is primarily governed by the *Residential Tenancy Act*. The *Act* provides the rights and obligations of tenants and landlords in the Province and prescribes the current tenant termination requirements. More specifically, when a building with existing tenants is advanced for demolition, the *Provincial Residential Tenancy Act* addresses requirements of notice and assistance to be provided to relocating tenants. In these circumstances, the *Act* generally requires that:

- notice be given to tenants a minimum of two months prior to the end of tenancy;
- that the tenant be compensated with the equivalent of one month's rent; and
- that tenants provide the landlord with 10 days' notice if they wish to leave at any time during the two months' notice period.

Local governments may also adopt supplementary policies to encourage or require that the minimum legislated requirements be exceeded when existing tenants need to relocate. The Burnaby Tenant Assistance Policy provides information to applicants and tenants on the City's expectations in this regard. Above the provincially mandated requirements, the City's Tenant Assistance Policy requires the submission of a 'Tenant Assistance Plan' when a rezoning application involves demolition of a multi-family building with six or more tenanted dwelling



units. The policy outlines several factors that must be included in the plan such as plans for communicating with tenants, length of notice, level of tenant compensation, method of assisting tenants with finding alternative accommodations, providing information about affected units, and a written commitment to exceed the minimum requirements of the provincial *Residential Tenancy Act*.

Subsequent to adoption, this policy has been implemented by the City. Since this time it has been noted by staff that the policy has often resulted in better outcomes for tenants than would have been achieved under the *Residential Tenancy Act*, such as longer notice periods and increased financial compensation. Staff are reviewing Burnaby's policy, with the intent of keeping it current and ensuring it meets the needs of Burnaby residents.

Some other local governments in the region including the City of New Westminster, the City of Coquitlam, the City of North Vancouver and the City of Vancouver also have approved tenant assistance policies. Other local governments commonly request a tenant assistance or protection plan as part of the development approval process. The experiences of these local governments have also demonstrated that tenant assistance policies, even when applied voluntarily, often result in better outcomes for the tenants than just those the *Act* would have provided.

This patchwork of policies and approaches, while benefiting tenants in some municipalities, creates an unequal and uncertain environment for tenants, landlords and developers. This is particularly the case when individuals move from one municipality to another, when landlords own properties in multiple jurisdictions, or when developers work across municipal boundaries.

The overall responsibility to address these issues is with the Provincial government through the *Residential Tenancy Act*. It would be beneficial for the *Act's* inclusion on tenant assistance to be improved and standardized, thus creating equal expectations across the province in relation to tenant notice and support. This would particularly be of benefit to communities with a low rental vacancy rate.

Given these concerns, at its meeting of 2016 February 22, Council passed a resolution calling for a standardized provincial approach to tenant assistance. The resolution was subsequently endorsed by the LMLGA and the UBCM. At the 2016 UBCM Conference it was noted that a similar resolution was endorsed in 2014 September calling on the provincial government to undertake a general review of the *Residential Tenancy Act* in order to address gaps within the legislation which adversely impact both landlords and tenants. The Province's response at that time suggested that the dispute resolution and arbitration process provided by the Residential Tenancy Branch are effective and that it did not have any plans to amend the *Act*. Regarding the above resolution, the Province advised UBCM that it considers the *Residential Tenancy Act* to be a fair and balanced approach to tenancies for landlords and tenants and that it has no plans to make further amendments to the *Act* at this time.

### **3.4 Resolution: Provincial Homeowner Grant Program**

The Provincial Home Owner Grant (HOG) program reduces the amount of property tax homeowners pay for their principal residence. Homeowners must pay at least \$350 in property

taxes before claiming the HOG to help fund services such as road maintenance and police protection. The Provincial government determines the amount of grant qualified property owners receive based upon where in the province they live and whether they are a senior or person with a disability.

Property owners living within Metro Vancouver, the Capital Regional District and the Fraser Valley Regional District are entitled to claim a Basic Grant of \$570 and \$845 for seniors aged 65 or older or persons with disabilities. These HOG amounts have been in place since 2006. Those areas of the province outside these regional districts are considered to be Northern and Rural areas and eligible property owners within these areas are entitled to claim a Basic Grant of \$770. Eligible seniors aged 65 or older and persons with a disability are entitled to claim a grant of \$1,045 (both grants were increased by \$200 in 2011). If a homeowner meets all requirements of the HOG program but their property's assessment value or partitioned value is over the threshold for their region, they may qualify for a HOG at a reduced amount. Both the Basic Grant and other grants are reduced by \$5 for each \$1,000 above the top assessed value determined by the Province for the year in question. The resulting calculation determines the upper threshold limit for a partial claim.

The number of Burnaby homeowners eligible for the HOG has steadily declined in recent years from a high of 92.5% in 2012 to 78.7% in 2016, well below the Provincial target of 91% of homeowners. This decline is attributable to the significant increase in residential property values within Metro Vancouver as compared to other areas. Similar circumstances are being experienced by other Metro Vancouver cities, and cities in the Capital and Fraser Valley Regional Districts. However, homeowners in other regional districts across the province who have not experienced a significant increase in real estate values are also able to participate in the HOG program, and with higher Basic and Seniors grant amount levels. As such, the current practice of establishing one assessment threshold value for such disparate catchment areas inadequately adjusts for regional disparities in real estate values across the Province.

Given the inequitable benefit provided by the existing HOG program to homeowners in areas of the Province experiencing significant and rapid increases in residential property values, at its meeting on 2016 April 4, Council passed a resolution requesting a Provincial review of the HOG Program to determine if a more equitable distribution of the grant across all regions of the Province can be achieved. This resolution did not meet the 2016 March 25 deadline for LMLGA resolutions and was forwarded directly to the UBCM. The UBCM Resolutions Committee acknowledged that it had not previously considered a resolution requesting a review of the equity of the Provincial HOG program in relation to the Northern and Rural benefit received by homeowners outside of Metro Vancouver and the Capital and Fraser Valley Regional Districts. The Committee questioned whether amending the HOG Program, which it equated with amending the property tax system was an appropriate mechanism to address perceived inequities within the carbon tax system, which it identified as the source of the Northern and Rural benefit. The resolution was subsequently not endorsed by the 2016 UBCM Conference.



### **3.5 Resolution: Asbestos and Hazardous Materials Removal**

The handling and safe removal and disposal of asbestos and other hazardous materials during building renovation or demolition can be hazardous to those working in the construction industry and, if not disposed of properly, to the general public as well. Asbestos was widely used in B.C. as a building material until the early 1990s, and it can be present in many areas of older buildings. Exposure to asbestos can cause serious long-term health issues.

WorksafeBC regulates handling and disposal of asbestos and other hazardous materials through the *Workers Compensation Act* and the Occupational Health and Safety Regulation. The Regulation contains specific requirements regarding identification, exposure control, ventilation, waste handling and disposal, among others, with regards to asbestos and other hazardous materials. WorksafeBC can impose monetary fines on employers who commit health and safety violations. Incident investigations are conducted when WorksafeBC is informed of an incident by an employer, employee or other member of the public. Penalties can be imposed when infractions to the *Act* and Regulation are identified as a result of the investigation.

Companies that do not follow proper procedures for the removal and disposal of asbestos and other hazardous materials may not self-report their infractions. Improper removal of these materials put construction industry tradespeople, municipal building staff, other occupants of a building and the general public at health risk. Given these concerns, Council at its meeting on 2016 June 13 passed a resolution requesting that the Provincial government require mandatory licensing, certification and enforceable compliance in safely handling asbestos and other hazardous material for all demolition, renovation and environmental remediation contractors. Mandatory provincial certification and licensing of these contractors would allow local governments in B.C. to require these licenses from contractors as a condition for issuing demolition and renovation permits.

This resolution did not meet the 2016 March 25 deadline for LMLGA resolutions and so was forwarded directly to the UBCM. The UBCM Resolutions Committee provided no recommendation in reference to this resolution and due to time constraints was not debated at the 2016 UBCM Conference, but was referred to the UBCM Executive for its consideration. The UBCM Executive endorsed the resolution at its meeting on 2017 February 23.

### **3.6 Resolution: Investing in Post-secondary Education**

In 2014 December, the Provincial government announced a \$6.9 million funding cut to Adult Basic Education programming in British Columbia and introduced provisions to allow post-secondary institutions to charge tuition fees for these services to make up for the funding shortfall. The introduction of tuition fees is negatively impacting current and prospective adult learners including those needing to improve basic literacy and numeracy, or English language skills. The Canadian Federation of Students of BC advised that the majority of adult basic education learners are low income earners who are enrolling in adult basic education programs in order to qualify for entry into trades or college and university programs. They often have completed high school, but due to the length of time since they graduated, their high school courses are no longer relevant, particularly for math and science courses.

Attempting to address these changes, the Provincial government enhanced its Adult Upgrading Grant program with increased funding available for adult basic education to cover tuition fees, textbooks, supplies, child care and transportation. However, the Canadian Federation of Students of BC advised that the grant program is inadequate as income thresholds to qualify for a grant have become so low that many applicants do not qualify. A one person household must earn less than \$23,647 annually (equivalent to \$11.40 per hour for full time work) to qualify for a full grant. Those applicants who earn 10% above this threshold will only qualify for a grant to cover 50% of their tuition fees. Access to basic adult education and language skills classes continue to be out of reach for many learners despite this grant program.

In response to the concerns related to the new fee-based adult basic education, Council endorsed a resolution at its meeting of 2016 June 20 in support of the Federation of Post-Secondary Educators' "Open the Doors" campaign calling for a restoration of full funding to B.C.'s public post-secondary system, including free tuition for Adult Basic Education and English language programs. This resolution did not meet the 2016 March 25 deadline for LMLGA resolutions and so was forwarded directly to the UBCM. The resolution was similar to ones put forward by the Town of Port McNeill, the Sunshine Coast Regional District, and the Town of Qualicum Beach. The resolution from the Town of Qualicum was reviewed by the UBCM Resolutions Committee, which provided no recommendation in reference to this resolution. As such, due to time constraints, the resolution was not discussed at the 2016 September Convention and was automatically referred to the UBCM Executive for its consideration. At its meeting on 2017 April 20, the UBCM Executive endorsed the Qualicum Beach resolution.

#### **4.0 STATUS OF ACTIVE 2015 RESOLUTIONS**

##### **4.1 Resolution: Reinstate the Long Form Census**

In the lead-up to the 2011 National Census, the Federal government eliminated the mandatory long form census and replaced it with a voluntary National Household Survey. In the 2006 Census, a completion rate of 94% was achieved for the mandatory long form. In 2011, despite the voluntary long form being sent to one in three Canadian households, an average completion rate of only 68% was achieved. Statistics Canada reported that in some communities the response rates dropped to 25% or lower.

The elimination of the long form census particularly affects local governments. Municipalities require reliable and representative data that can be disaggregated to smaller geographies in order to respond to local and neighbourhood level trends, and to inform community planning and service programming. In Burnaby, 2011 response rates at the dissemination area level ranged from a low of 40.7% up to 94.7%, making it difficult to compare data across different areas of the city, as well as impacting the ability to develop trend analyses over time.

Given these concerns, at its meeting of 2015 March 9, Council passed a resolution calling for the immediate reinstatement of the long form census. The resolution was subsequently endorsed by the LMLGA and the UBCM. At the UBCM it was also noted that a similar resolution had been passed in 2011. The resolution was forwarded to the Federation of Canadian Municipalities

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(FCM) who wrote a formal request to Mr. Tony Clement, then Minister of Industry and the minister responsible for Statistics Canada.

In 2015 December, the new Liberal government of Canada reinstated the mandatory long form in the 2016 Census. In 2016 August, Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development announced a census response rate of 98.4%, the most successful census in Canadian history.<sup>1</sup> He also stated that the long-form census had a historic response rate of 97.8%. The first release of 2016 Census population and dwelling counts data occurred on 2017 February 08 with additional data being released throughout the rest of 2017.

#### **4.2 Resolution: Strengthen Payday Loan Regulations**

At its meeting of 2014 February 24, Council received a delegation from the Association of Community Organizations for Reform Now (ACORN) expressing concerns regarding payday lenders and their impacts on low income individuals. As a result of the delegation, Council adopted a text amendment to the Zoning Bylaw that would permit payday loan and similar services only within the C3g and C4g zoning districts, as is currently required for pawn shops and second hand stores (including cash for gold services). Any new locations would then require rezoning to permit the use. The rezoning process ensures Council review of the potential impacts of the proposed location, as well as public input through the Public Hearing process.

Although local governments such as Burnaby can limit the locations of such services, payday loans are officially regulated in B.C. under the *Payday Loans Regulation* of the *Business Practices and Consumer Protection Act*, which is administered by Consumer Protection BC. As such, at its meeting of 2015 June 22, Council endorsed a resolution calling on the Provincial government to amend the *Payday Loans Regulation* section of the *Business Practices and Consumer Protection Act*, to include lowering of the maximum fee percentage and interest rates as well as requiring payday lenders to offer installment-based repayment options. This resolution did not meet the 2015 March 20 deadline for LMLGA resolutions and so was forwarded directly to the UBCM.

The UBCM Resolutions Committee provided no recommendation in reference to this resolution and, as such, due to time constraints it was not discussed at the 2015 September Convention. Instead the resolution was endorsed by the UBCM Executive at its meeting in 2015 November. The resolution was then referred to the Community Safety Committee who published an article outlining local government best practices to regulate payday lenders and consulted with Consumer Protection BC regarding the issue.

On 2016 September 21, the Provincial government announced that it would lower the borrowing rates for payday loans from a maximum of \$23 to \$17 for every \$100 borrowed. It also announced that it would consult with stakeholders to help determine the best ways to strengthen consumer protection for British Columbians who use payday loans and investigate whether more affordable options exist. The reduced borrowing rates came into effect on 2017 January 01.

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<sup>1</sup> Statistics Canada. 2016 Census response rate exceeds 98 percent. <http://news.gc.ca/web/article-en.do?nid=1117869>. Retrieved 2017 January 31.



#### **4.3 Resolution: Oil Spill Emergency Response Coordination and Support for Local Governments**

At approximately 5:00 pm on 2015 April 8, Port Metro Vancouver Operations Centre and the Canadian Coast Guard received calls regarding an oil sheen observed in English Bay. In response to the calls, a Port Metro Harbour boat was dispatched shortly thereafter to investigate the area where the oil sheen was observed. At approximately 8:00 pm, the Canadian Coast Guard called Western Canada Marine Response Corporation (WCMRC) to respond to the oil spill. WCMRC clean-up crews arrived at the site at approximately 9:25 pm, undertook skimming activities and upon confirmation of the source at approximately 4:00 am on 2015 April 09, placed a boom around MV Marathassa. The City of Vancouver was notified about the oil spill at approximately 5:00 am on 2015 April 9.

In response both to the environmental concerns related to the spill, and also to the length of time it took before appropriate action was taken and the relevant local government notified, Council endorsed a resolution at its meeting of 2015 May 25 calling for a national oil spill emergency response strategy. This resolution did not meet the 2015 March 20 deadline for LMLGA resolutions and so was forwarded directly to the UBCM. The resolution was similar to ones put forward by the City of Vancouver, the District of Sechelt, the City of Port Moody, and the Skeena-Queen Charlotte Regional District. As the local government directly impacted in this instance, the resolution put forward by the City of Vancouver was considered for debate. The resolution was endorsed by the UBCM with a slight wording amendment.

No official response from the Provincial or Federal governments has yet been received in response to this resolution. However, in 2016 May, the Federal government reopened the Kitsilano Coast Guard station, after having been closed by the previous Federal government in 2013. The lack of a Coast Guard presence in the busy marine environment of English Bay and surrounding areas was noted with concern by Council and by the other local governments who put forward related resolutions.

In 2016 March, the Federal government initiated its pilot project Area Response Planning Initiative in four marine areas of Canada, including Southern British Columbia to identify ways of strengthening the existing preparedness and response regime for ship-source oil spills. Its goal is to design the regime to adapt to changing demands and practices, and allow flexibility for regional differences and risk levels. Transport Canada has begun developing an Area Risk Assessment Methodology to perform a quantitative analysis of ship-source oil spill prevention, preparedness and response to determine the levels of risks and to inform tailored Area Response Plans in each of the four pilot areas. The results of the pilot project will be assessed to identify lessons learned and best practices in order to develop options for a nationally consistent process.

Additionally, on 2016 November 7, the Prime Minister announced the \$1.5 billion Oceans Protection Plan. The Plan will include new investments to fund research to improve emergency response to marine pollution incidents in the marine environment. The funding will be allocated over five years starting in 2017-2018 fiscal year.

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## 5.0 SUMMARY AND CONCLUSION

This report proposes two new resolutions for submission to the 2017 UBCM Convention. The report also provides an update on resolutions submitted in 2016 and 2015 to the LMLGA, the UBCM and the Federation of Canadian Municipalities.

It is recommended that Council endorse the two new resolutions, as outlined in Section 2.0 of this report for submission to the 2017 UBCM Convention. It is also recommended that staff be authorized to forward a copy of this report, accompanied by supporting background reports and information, to the UBCM and the Federation of Canadian Municipalities. Finally, it is recommended that a copy of this report be circulated to all Burnaby MLAs and MPs for information.

Any additional resolutions which may come forward subsequent to this report, and prior to the 2017 June 30 UBCM deadline, may be submitted directly to the UBCM for possible consideration at the 2017 UBCM Convention.

  
Lou Pelletier, Director  
PLANNING AND BUILDING

CS:sa

cc: Deputy City Managers  
Director Engineering  
Director Finance  
Director Parks, Recreation and Cultural Services  
OIC – RCMP

Fire Chief  
Chief Building Inspector  
Chief Librarian  
City Solicitor  
City Clerk