

TO: MAYOR & COUNCILLORS

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

SUBJECT: **2024 LMLGA AND UBCM RESOLUTIONS**

PURPOSE: To present resolutions for submission to the 2024 Lower Mainland Local Government Association (LMLGA) Annual General Meeting and the Union of BC Municipalities (UBCM) Convention.

RECOMMENDATION

THAT the resolutions, outlined in *Section 3.0* of this report for submission to the 2024 LMLGA Annual General Meeting and the 2024 UBCM Convention, be endorsed;

THAT staff forward a copy of this report, accompanied by any applicable background reports and information, to the LMLGA via email and to the UBCM, located at Suite 60 – 10551 Shellbridge Way, Richmond, BC V6X 2W9; and

THAT copies of this report be forwarded for information to Burnaby MLAs.

EXECUTIVE SUMMARY

This report proposes six new resolutions for submission to the 2024 LMLGA Annual General Meeting and UBCM Convention. The report also provides an update on resolutions submitted in 2022 and 2023.

1.0 POLICY SECTION

The proposed 2024 resolutions are aligned with the City of Burnaby's *Corporate Strategic Plan (2022)*.

2.0 BACKGROUND

Each year, resolutions are considered for submission to the Lower Mainland Local Government Association (LMLGA) Annual General Meeting (AGM) and the Union of BC 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 new resolutions for Council's consideration as a submission to the 2024 LMLGA Conference and AGM and the 2024 UBCM Convention. The LMLGA Conference and AGM will take place from May 1-3, 2024 in Whistler, with the deadline for resolutions to the LMLGA being February 28, 2024. The UBCM Convention will take place

from September 16-20, 2024 in Vancouver and will accept resolutions prior to June 30, 2024, although UBCM recommends submitting resolutions as part of the LMLGA process.

This report also details senior government response to resolutions previously approved by Council and submitted to the UBCM Conventions in 2022 and 2023 (Attachment 1).

3.0 GENERAL INFORMATION

3.1 Proposed 2024 Resolutions

The below sections provide background information on proposed resolutions that have been developed for Council’s consideration and submission to the 2024 LMLGA AGM and UBCM Convention.

3.1.1 Resolution: Achieving Complete Streets through Building Permit

Currently, land dedication for highway purposes must be approved by an Approving Officer through a rezoning and/or subdivision application, which can be a lengthy process and is limited in scope. With recent provincial legislation moving municipalities away from rezoning applications towards as-of-right developments to expedite housing approvals, the Building Permit process does not offer municipalities the same opportunity to require land dedication for highway purposes to obtain the necessary road right-of-ways to achieve complete streets, including cycle provisions or widened sidewalks for active transportation.

Section 513 of the *Local Government Act (LGA)* currently permits an Approving Officer to require that the owner of land requesting subdivision to provide, without compensation, a portion of that land for highway use, noting that the land must meet certain depth and width specifications. It is proposed that the *LGA* be amended to permit, as a condition of Building Permit issuance, a local government to also require that the owner provide the necessary right-of-way and associated works and services on that portion of land for highway use immediately adjacent to the site being developed.

Further, it is requested that the *LGA* be amended to enable local governments the ability to require Section 219 Covenants and Statutory Rights-of-way for works and services, public access and other development conditions through Building Permit issuance, and not limited to rezoning and/or subdivision. To support this, the following resolution has been prepared for Council’s consideration:

WHEREAS the *Local Government Act* permits municipalities, as part of rezoning and subdivision, to secure land dedication for highway purposes, and the registration of Covenants and Statutory Rights-of-way for works and services, and public access;

AND WHEREAS there is a desire on behalf of the Province to reduce rezoning applications by having municipalities permit higher density developments as-of-right as per recent provincial legislation to expedite housing delivery;

AND WHEREAS the *Local Government Act* does not currently permit a municipality to obtain dedications for highway purposes, or the registration of Covenants and Statutory Rights-of-way for works and services and public access as conditions of Building Permit issuance;

THEREFORE BE IT RESOLVED that the *Local Government Act* be amended to allow municipalities to obtain highway dedications, and the registration of Covenants and Statutory Rights-of-way for works and services, and public access through Building Permit issuance without the approval of subdivision or rezoning.

3.1.2 Resolution: Ensuring the Implementation of the Recommendations Found in the Seniors Advocate Reports

Burnaby's Housing Needs Report estimates that the population of seniors aged 65 and over in Burnaby will increase by 17,140 by 2030. An estimated 3,150 units/beds of housing with supports for seniors are needed to support this growing population. One of the actions in HOME: Burnaby's Housing and Homelessness Strategy is to advocate to the provincial government to implement the recommendations outlined in the Seniors Advocate's 2020 report, "A Billion Reasons to Care: A Funding Review of Contracted Long-Term Care in BC" to improve the care that seniors receive.

The Office of the Seniors Advocate monitors and analyzes seniors' services and issues in BC while making recommendations to government and service providers to address systemic issues. Its 2020 report was the first comprehensive analysis of how the contracted long-term care sector in BC is spending provincial funding. The report into long-term care found that funding for direct patient care (care from medical professionals and care aide staff) is commonly used to cover operational costs. According to the report, the not-for-profit sector is delivering more direct patient care hours than the for-profit sector, with the same level of funding. The Seniors Advocate recommends that more safeguards need to be put in place to ensure the responsible use of public funds towards direct care for seniors. The 2020 report recommends that:

1. *Safeguards are put in place to ensure that direct care funding is spent on direct care only;*
2. *Standardized reporting of funded direct care hours be established for better compliance monitoring;*
3. *Clear distinctions be established between what can be reported as profit versus expenses;*
4. *Other standardized reporting requirements be established for all care homes across BC.; and*
5. *Transparency for all publicly funded care home reporting be improved, particularly regarding revenues and expenditures, as well as care hours delivered.*

Since the release of the 2020 report, the provincial government has implemented one of the recommendations (standardize reporting requirements for all care homes across BC). The remaining four recommendations were repeated as recommendations in the 2023 update, “Billions More Reasons to Care.” This update reiterates that the current funding model fails to incentivize the provision of excellent care.

To provide a more equitable use of public funds towards direct care for seniors, the following resolution has been prepared for Council’s consideration:

WHEREAS the population of seniors requiring direct care from medical professionals and care aides is increasing;

AND WHEREAS recommendations from the 2020 Seniors Advocate’s report were not implemented and therefore were repeated in the 2023 report making it difficult for long-term care to fully benefit from the substantial investments the Province has made;

AND WHEREAS it is critical to ensure these recommendations from the 2020 Seniors Advocate’s report are being implemented to ensure public funds are being spent equitably;

THEREFORE, BE IT RESOLVED that Ministry of Health implement the recommendations outlined in the Seniors Advocate’s 2020 report, “A Billion Reasons to Care: A Funding Review of Contracted Long-Term Care in B.C.” and repeated again in the 2023 update report, “Billions More Reasons to Care” to ensure that seniors’ care funding be spent on direct care in long-term care homes across B.C.

3.1.3 Resolution: Municipal Funding through Speculation and Vacancy Tax

The Speculation and Vacancy Tax (SVT) has been administered by the Province since 2019. It applies to all properties owned within the Metro Vancouver Regional District, the Capital Regional District, Kelowna, Nanaimo, and nearby cities. The SVT is distinct from Vancouver’s empty homes tax which is applied against Vancouver properties in addition to the SVT. Property owners are required to complete an annual SVT declaration in order to establish if the property is being utilized as a principal residence, occupied by a tenant and/or owner. Depending on the status of the property, the property owner may be liable to pay additional taxation to the Province.

All taxes collected are directed to the Provincial Housing Priority Initiatives Special Account (HPI) for use in funding affordable housing programs, shelters, and rental initiatives within the regional districts that are taxed. The recipient of these funds is BC Housing and not the regional districts or municipalities within which the tax is generated. As such, municipalities with a higher portion of homes left empty would presumably benefit from more housing projects but are not guaranteed to receive the corresponding funding assistance. As municipalities like Burnaby actively take on an increased role in the provision of housing, a portion of the funds otherwise provided to BC Housing could be invested in municipalities using an amount proportionate to the taxes collected from their citizens. This approach would align with the Municipal

and Regional District Tax approach, which redistributes a portion of those funds back to participating municipalities for the purposes of affordable housing. Funding received directly from the HPI would assist in providing the flexibility to complete locally-appropriate housing projects with a reduced concern over how to fund them.

To generate funds for affordable housing projects, the following resolution has been prepared for Council’s consideration:

WHEREAS encouraging unoccupied residential properties to become available for long-term occupancy represents an opportunity to increase the availability of housing in our communities;

AND WHEREAS revenue collected from the Speculation and Vacancy Tax is directed into the Housing Priority Initiatives Special Account where BC Housing is the primary recipient of the funds rather than municipalities:

THEREFORE BE IT RESOLVED that UBCM call upon the Province of British Columbia to permit municipalities to receive a portion of the funds collected through the Housing Priority Initiatives Special Account, with funds to be used by the municipality towards affordable housing projects.

3.1.4 Resolution: Increased Fines for Short Term Rentals

The current housing crisis is being amplified by the number of short-term rentals (STRs) which have expanded rapidly over recent years throughout BC and are taking away from long-term rental opportunities. On October 26, 2023, the provincial government announced the adoption of Bill 35-2023 *Short-Term Rental Accommodations Act* which is expected to come into force in May 2024. The *Short-Term Rental Accommodations Act* will provide the Province with a greater oversight role and improve rental housing availability.

As part of the *Short-Term Rental Accommodations Act*, the Province intends to increase the maximum fine a local government may issue to any bylaw non-compliant operator from \$1,000 to \$3,000 per day. However, the increase in fines is only applicable under a Municipal Ticket Information (MTI) system. The MTI system is not utilized in Burnaby to enforce bylaws as it is cumbersome and resource-intensive for the City to implement and does not have the benefits of certainty of convictions and fine amounts due to the need for hearings before a provincial court judge. Instead, Burnaby uses the Local Government Bylaw Notice Enforcement Act (LGBNEA) process as the mechanism to enforce City bylaws. Furthermore, it is challenging for local governments in instances in which the bylaw violation notice penalties remain unpaid. Having the ability to add unpaid bylaw violation notice penalties to the tax bills for STR violations would aid local governments in this regard. The maximum fine penalty under the LGBNEA is \$500 per day and is not subject to an increase by the Province as part of the STR legislative amendments.

To increase the maximum penalty amount permitted under the LGBNEA and in turn better regulate STRs, the following resolution has been prepared for Council’s consideration:

WHEREAS short-term rentals (STRs) are taking away from long-term rental housing stock and in turn contributing to the housing crisis in Burnaby;

AND WHEREAS the province intends to increase the maximum fine a local government may issue to any bylaw non-compliant operator from \$1,000 to \$3,000 per day utilizing the Municipal Ticket Information (MTI) system;

AND WHEREAS under the Local Government Bylaw Notice Enforcement Act (LGBNEA), the current mechanism to enforce bylaws in Burnaby, a maximum fine of \$500 per day is permitted, with no increase proposed by the Province;

THEREFORE BE IT RESOLVED that UBCM call upon the Province of British Columbia to permit the LGBNEA maximum bylaw violation penalty per day to be increased to \$3,000, and that local governments have the ability to add unpaid bylaw violation penalties to property taxes, to better allow local governments to regulate STRs.

3.1.5 Resolution: Provincial Funding for Child Care Facilities

Launched in 2018, the provincial ChildCareBC New Spaces Fund currently provides funding to non-profit and public sector organizations throughout BC to create new licensed child care spaces.

Private development projects offer a significant opportunity to build new child care facilities but are ineligible to receive funding and as such often do not include child care in their projects. The City recognizes the need to create new child care spaces, however, it is not able to actively construct facilities outside of civic projects. Non-profit child care operators are also challenged to build new facilities as many do not have the expertise, capacity or resources.

In July 2021, through the Council adopted Burnaby Child Care Action Plan, a target to create 4,400 new spaces between 2020 and 2030 (290 new spaces for children 0 to 5 years old per year) was adopted to meet population growth demands. In December 2023, new provincial housing legislation, specifically Bills 44 (small scale multi-unit housing, planning reforms) and 47 (transit-oriented areas), were passed which will lead to a significant increase in permitted development and density within Burnaby, increasing the demands for child care beyond what was anticipated in 2021.

In order to address current and anticipated child care needs given legislative changes, it is proposed that the Province review its funding model and receive input from municipalities and the private development community on the current system in order to consider opportunities for improvement, reduce barriers and align with municipal processes.

To generate the construction of more child care, the following resolution has been prepared for Council’s consideration:

WHEREAS recent provincial housing legislation, specifically Bills 44 and 47, will mean increased population growth leading to greater need for child care spaces;

AND WHEREAS barriers to accessing provincial funding exist for municipalities and the private sector;

THEREFORE IT BE RESOLVED that the UBCM call upon the Province of British Columbia to review its funding model and work with municipalities and the private development sector to streamline its process for the disbursement of provincial funds to facilitate the construction of new public or non-profit owned child care facilities, including facilities within new private development.

3.1.6 Resolution: Urgent Protection of Urban Waterways

In February 2024, Councillor Gu submitted an additional resolution for Council’s consideration, with the following background information:

“There are many important watersheds in Burnaby, including but not limited to the Stoney Creek watershed. While there has been significant work to ensure that these urban watercourses are protected, such as the installation of devices that provide real-time monitoring of various metrics reflecting the health of a watercourse, as well as the requirement for construction sites to turn off all discharge if certain parameters are exceeded, there are still events occurring that are negatively impacting the health of the Stoney Creek watershed.

The City of Burnaby can charge up to \$500 for an illegal dump or discharge event in accordance with the Local Government Bylaw Notice Enforcement Act (Section 6(3)). However, to charge fines beyond this amount requires submission of a legal case and a burden of proof that is difficult if not impossible for municipalities to supply, particularly in the case of discharge into watercourses. Even if these requirements are successfully met, the maximum fine a local government can charge is \$10,000.

Urban watercourses, especially those that are habitat to spawning salmon, are crucial to maintaining biodiversity and wildlife populations. However, legislation and enforcement tools have not kept up with changing economies.

Due to the complexity of watercourses and assigned jurisdictional responsibilities, the protection of such watercourses often falls on numerous levels of government, including the federal government, provincial government, regional government (e.g. Metro Vancouver), and local governments. Local governments are often the level of government that is the quickest to respond, and therefore tasked. However, it is the provincial government’s delegation of authority that places limits on the fine amounts that local governments can issue. These limits are exceedingly inadequate in today’s economy in order to ensure that fines properly deter harmful and illegal behaviour.

Other cities who may have interest in this recommendation, such as the City of Coquitlam may also be contacted to submit this motion jointly, should Council approve the recommendation as presented.”

WHEREAS the Province of British Columbia provides powers to local governments to regulate protection of the environment and levy maximum fines for offences;

BE IT RESOLVED THAT that the UBCM call upon the Province of British Columbia to provide for powers to local governments for urgent protection to watercourses from dumping and discharge, including authority to local governments to impose higher fines for offences.

3.2 Next Steps

Pending approval by Council, the proposed resolutions will be forwarded to the LMLGA AGM (deadline February 28, 2024) and the UBCM annual Convention for discussion and endorsement consideration. The UBCM deadline for any further resolutions desired by Council will be June 30, 2024.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Not applicable.

5.0 FINANCIAL CONSIDERATIONS

Not applicable.

Respectfully submitted,

L. Garnett, on behalf of E. W. Kozak, General Manager Planning and Development

ATTACHMENT

Attachment 1 – 2022-2023 UBCM Resolutions

REPORT CONTRIBUTORS

This report was prepared by Kyra Lubell, Planner 2 and Helen Garbiec-Ho, Planner 1, and reviewed by Margaret Manifold, Planner 3, Wendy Tse, Director Community Planning and Lee-Ann Garnett, Deputy General Manager Planning and Development.