

## **COUNCIL CORRESPONDENCE RECEIVED MAY 10-14, 2010**

### **Action Required**

- (1) CN Business Development and Real Estate, May 7, 2010, regarding Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4634, 2010 (Referred for Public Hearing on May 17, 2010)**
- (2) P. Malone, May 3, 2010, regarding Ambleside Rezoning (Referred for Public Hearing on May 17, 2010)**
- (3) May 13, 2010, regarding Comments on West Vancouver Dog Group Recommendation – Implementation Report (Referred to Director of Parks and Community Services for consideration and response)**
- (4) May 9, 2010, regarding Ban on Sale of Reproductive Rabbits (Referred to Director of Planning, Lands, and Permits for consideration and response)**
- (5) May 11, 2010, regarding Ambleside Boat Launch (Referred to Director of Planning, Lands, and Permits for consideration and response)**
- (6) May 11, 2010, regarding Agenda Item No. 6, Special Council Meeting, 10 May 2010 – Further Remarks (Capital Facilities Fund and Endowment Fund Bylaws) (Referred to Chief Administrative Officer for consideration and response)**

### **For Information**

- (7) Hon. B. Bennett, Ministry of Community and Rural Development, and H. Nyce, UBCM, May 10, 2010, regarding Submission to the Local Elections Task Force**
- (8) Metro Vancouver, May 11, 2010, regarding Consultation on Metro Vancouver's Solid Waste Management Plan**
- (9) UBCM, May 11, 2010, regarding Changes to Liquor Licensing Policy**
- (10) May 5, 2010, regarding Dog Walking on the Seawalk**
- (11) May 10, 2010, regarding Dog Walking on the Seawalk (Proposed leashed dogs on seawalk bylaw change)**
- (12) May 11, 2010, regarding Suggestion for mini-train from North Vancouver to West Vancouver**

### **Responses to Correspondence**

- (13) R. Fung, Director of Engineering and Transportation, May 12, 2010, reply regarding Metered Utilities Billing**



(1) CS

1610-20-4634

**CN  
Business Development  
& Real Estate**

Tessa Archimowitz  
Asset Management Coordinator  
10229 – 127 Avenue  
2<sup>nd</sup> Floor  
Edmonton, Alberta, Canada  
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Telephone: (780) 643-7647  
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Our File: W.VAN  
Your File: N/A

May 7, 2010

**The District of West Vancouver**  
750 – 17<sup>th</sup> Street  
West Vancouver, British Columbia  
V7V 3T3

**Attention: Planning Department**

Via Facsimile  
(604) 925-7006

Dear Sir/Madam:

**Re: Zoning ByLaw No. 2200  
Amendment ByLaw No. 4634, 2010**

Reference the above noted. CN has concerns with the proposed bylaw amendment. We do not support a kiosk/seafood stand as the same will generate increased pedestrian traffic within close vicinity to railway operations. At a minimum, CN requires that the site be fenced.

Yours truly,

**CN Business Development & Real Estate**

Per: TESSA ARCHIMOWITZ  
Asset Management Coordinator

ta/

From: ( ) on behalf of ( ) 2160-01 - CSEA 1  
Sent: May 13, 2010 4:07 PM (2)  
To: Mayor and Council  
Cc: Andrew Banks  
Subject: Comments on West Vancouver Dog Group Recommendation - Implementation Report of April 15, 2010 File 12.2365.00

Hello,

I believe the report mentioned in the title is biased and incomplete. More work is needed by staff before a recommendation can be made to council. In particular I am worried by the bias, since it seems that staff have consulted with only one group of people and this group is a dog owners lobby group!

The West Vancouver Dog Group is a focused single issue group of anonymous people who are advocates for more dog access (leashed and unleashed) to our parks and public spaces. WVD gets a role in the creation of a report that other members of the community only find out about AFTER THE FACT when council is about to vote on it. How fair is that?!?! To be fair, other groups should also have input BEFORE a report like this is issued to council for consideration.

I would like to see six points addressed in the next report:

1. Safety - Safety in the report is barely mentioned. Safety is first, especially the safety of our children and seniors, many of whom are afraid of dogs. Where leashed dogs are allowed, you are more likely to get them illegally off leash. The district does not have a handle on number or type of dog attacks within its own boundaries. You need to find out the number of dog bites or attacks from the WVPD, Lions Gate Hospital and West Vancouver Bylaw Department and make it known in the next report. The risk to the public of allowing dog access in a confined space must be somehow estimated. How many dog bites per year do you expect on the seawall if dogs are allowed?
2. Consideration of Our Minority Groups - Many in the Muslim community consider dogs to be unclean animals. I believe they are afraid to speak out, especially in a council meeting because they don't want to be targeted. This whole proposal is unfair to West Vancouver's minority groups who may just start avoiding parks. Have they been properly engaged and who is speaking on their behalf?
3. Sustainability - What is the carbon footprint of a dog? By allowing more dog access, you are encouraging dog ownership and increasing our carbon footprint plus allowing the inevitable feces on the ground and in our streams. From a sustainability and environmental perspective, dog ownership should not be encouraged. West Vancouver would be on the forefront of sustainability nationwide if we make the decision to discourage dog ownership.
4. Statistically Valid Surveys - The current opinion survey is uncontrolled and cannot be trusted. There is nothing to stop someone from using several IP address to respond multiple times. You will get the individuals with extreme opinions doing this, namely WVD. A statistically valid survey from Synovate or other polling firm is needed or don't bother.
5. Give and Take - What are the dog owners "giving" for increased access? Did WVD agree to a higher dog licence fee/fines or agree to restrict their off leash access to other areas? Now is also a good opportunity to raise dog license fees/fines and/or get them to support year round dog bylaw enforcement with ticketing and not just verbal warnings. Can you get them to agree to having Seaview Trail or Lighthouse Park become leashed areas as opposed to off leash?
6. Objectivity - Preferential access is obvious in this report and has been obvious to many in the Tidings newsletter for some time. Please don't continue to give WVD preferential access to staff or council members behind closed doors.

I hope you consider my viewpoints and let me know how you will address them. I believe if my six points above are properly addressed as they should be, then dogs will not be allowed on the seawall. I would like to see this never ending saga of increased dog access to our parks, beaches and public spaces finally come to an end.

( )  
A West Vancouver Taxpayer

1610-01

May 9, 2010

Dear Mayor and Councillors,

I have been concerned for many years over the growing number of abandoned pet/domesticated rabbits. North Vancouver District is passing a by-law that bans the sale of reproductive rabbits. I would like to see a by-law like this passed in West Vancouver.

No, we don't have an over population of feral rabbits at the moment but a lot of other communities do. I spoke with someone at the WUSPCA and she thought it was a good idea to have such a by-law.

Please send a response. I would help however possible.

Thank you for your time.



**From:** ( )  
**Sent:** May 11, 2010 2:49 PM  
**To:** MayorandCouncil  
**Subject:** Boat launch

2520-03-01

(4)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

I'm writing to express my disappointment that West Vancouver is considering dismantling the ambleside boat launch.

This launch is a vital access way for those of us that trailer our boats. The boat launch is constantly used throughout the year by fisherman, families and sight seers. As you are aware, the next closest boat launch is at Cates park or Horseshoe bay which is an easy 20-30 minute boat ride to the ambleside destination, not including the driving time on land. This makes for increased boat gas, increased collisions while navigating through the busy waters of the Burrard inlet and not to mention the strong tides under each bridge.

We urge you to reconsider this decision either with a launch charge to help subsidize the ramp or a re-location of it.

We look forward to your reply.

( )  
"know what you believe"

MAY 10 2010

Her Worship Mayor Pamela Goldsmith-Jones  
District of West Vancouver  
750 17<sup>th</sup> Street  
West Vancouver, BC V7V 3T3

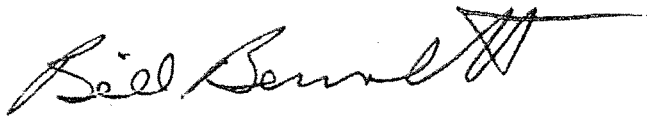
Dear Mayor Goldsmith-Jones:

Thank you for your letter of April 13, 2010, providing input from the District of West Vancouver (District) to the Local Elections Task Force (Task Force) process. The District's comments will assist the Task Force in its review of local government election issues.

The Task Force is now taking into account all of the feedback that has been submitted, as it considers its recommendations. The Task Force will deliver its recommendations to the Province of British Columbia and the Union of British Columbia Municipalities by May 30, 2010, and legislation is expected to be presented to the Legislature in time for the 2011 local government elections.

Thank you, again, for writing to provide the District's views.

Sincerely,



Bill Bennett  
Minister of Community  
and Rural Development



Harry Nyce  
President  
Union of British Columbia Municipalities

(6)

1610-20-4641/4642

**From:** ( )  
**Sent:** May 11, 2010 3:53 PM  
**To:** MayorandCouncil  
**Cc:** Pam Goldsmith-Jones  
**Subject:** Agenda Item No. 6, Special Council Meeting, 10 May 2010 -- Further remarks

Your Worship,

The concern that I expressed over the two resolutions which have now passed have not been allayed. In particular, I am concerned that an error has been compounded by a misinterpretation of the statute and a misreading of section 189(4.1) on the part of your senior executive team. In addition, I am concerned by the precedent that has now been set for future council actions in regards to the endowment fund and the capital facilities fund. I am concerned that this precedent will allow the staff with the consent of council to divert money from the endowment fund in a manner that will contribute to and lead to a diminishment of the fund balance available for investment to the point where it will be administratively inefficient to maintain a separate endowment fund investment portfolio to achieve higher investment returns that have demonstrably accrued to a coordinated and well thought out long-term investment strategy.

I am further concerned that council chose to ignore the wording of Part 3 of the Capital Facilities Bylaw No. 4641, 2010. Charter section 189(4.1)(a) makes specific reference to the purpose of the second reserve fund which receives money from a first reserve fund. As I noted in my remarks to council on the 10<sup>th</sup>, the Almondel bridge and the community centre construction projects were completed during 2009 and opened for use that year. Part 3 of the bylaw (4641, 2010) states the purpose of the fund: "... for the specified purpose of paying for future capital works or facilities." [Emphasis added.] The bylaw (4641, 2010) was adopted on 3 May 2010. As such, the future tense used in Part 3 of the bylaw must be construed to apply to works and facilities that commence after that date, and not before, if the words of the bylaw are to have any particular meaning whatsoever to guide the actions of the District staff and management. Mr. Mark Chan, a staff member, in his presentation to council on the evening of the 3<sup>rd</sup> of May, reportedly stated: "At the outset, it is important to note that, in general, the meaning of a bylaw is determined by the wording of the bylaw itself, not by intentions or expectations not found in the wording of the bylaw." [quote from Document # 394629v1, *Question and answer document regarding Endowment Fund Bylaw No. 4641 (sic), 2010 and Capital Facilities Fund Bylaw No. 4642 (sic), 2010*. Note, the title interchanges the bylaw numbers, the correct numbers are 4642 and 4641, respectively.] Since the purpose of the reserve fund bylaw is to bind the District to a specific protocol in respect of the use, application and conservation of the monies to the credit of the fund, then it is incumbent upon the executive to observe the wording of the bylaw. By ignoring the condition set down as the purpose of the fund as set out in Part 3 of the bylaw, council has now set a precedent.

A further concern that I have, and I probably did not express it sufficiently clearly at the meeting, is that the council can only authorize an expenditure or a transfer that is provided for in the adopted financial plan for the fiscal year. In this case, the only financial plan with effectiveness is the 5 Year Financial Plan Bylaw No. 4631, 2010 adopted 10 February 2010. Part 3 of that bylaw repealed the 2009 financial plan by stating: "3.1 5 Year Financial Plan Bylaw No. 4592, 2009 (adopted on April 6, 2009) and Amendment Bylaw No. 4624, 2009 are hereby repealed." Now, three months or so have passed since the 2010 financial plan was adopted and the 2009 financial plan repealed. It is my understanding that a repealed bylaw has no force or effect, and therefore the expenditure and transfer set out in the resolutions of the 10<sup>th</sup> May Special Council Meeting cannot be said to be provided for under that repealed bylaw at this time. It also cannot be said that they are provided for for a

prior time, because the bylaw that might have allowed the expenditure and transfer if they occurred prior to 10 February 2010 has been repealed and was repealed some 89 days prior to the date of the resolution which was passed at the meeting of the 10<sup>th</sup> May. Now, looking at Schedule B of the 2010 financial plan adopted 10 February 2010, there is no amount entered opposite the Endowment Fund for fiscal year 2010 for transfer or expenditure, and the amount set opposite the Capital Facilities Reserve (sic) (which is the label used to denote the Capital Facilities Fund in this and every prior financial plan since 1999) is \$1,492,000 and not \$2,638,859 which is the amount stated in the second resolution passed on 10<sup>th</sup> of May at the special council meeting.

Reference to Part 6, Division 3, Section 173(1) and Section 173(2) *Limit on expenditures* states

“(1) A municipality must not make an expenditure other than one authorized under subsection (2) or (3).

(2) A municipality may make an expenditure that is included for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.”

So, as should be evident, the 2<sup>nd</sup> resolution cannot possibly be authorized in its entirety and of the funds comprising the \$1,492,000 it was maintained in the 8 February 2010 budget discussion that that amount would be applied to expenditures other than the expenditures listed in the 2<sup>nd</sup> resolution of 10 May 2010. And therefore, there is evidently a conflict between the objects of the expenditure authorized by the 2010 financial plan and the objects identified by the 10 May 2010 resolution, and staff are not likely to know which object should supersede which other object without council’s express direction and that direction is lacking. And because the 2009 financial plan bylaw is repealed as of 10 February 2010, no expenditure or transfer can be said to be authorized by that repealed bylaw as of the date of the 2<sup>nd</sup> resolution of 10 May 2010. So the only authority in effect is the 2010 financial plan. Thus the difficulty interpreting the purpose of the 2<sup>nd</sup> resolution, unless it is implicitly understood that the first resolution and the second resolution are “window dressing” for the purpose of completing the 2009 annual financial report—but this cannot be if the resolutions are to have economic substance as must be a requirement for a fiscal expenditure, surely.

I suggested that the wording of the note which appears on page 6 of the 2010 five year capital plan under the tabulated figures headed “Endowment Fund” in reference to the “opening balance”, taken together with the letter of 18 December 2009 from Mr. G. McRadu, CAO, to ( ) by hand, may be construed to indicate that the transfer and expenditure referred to in the resolutions of 10 May 2010 had already occurred and had taken place during 2009. The subject title of the Council Report from B. Wood, Acting Director of Finance, dated 5 May 2010, viz. “2009 Endowment Fund and Capital Facilities Fund Year End Resolutions” is also suggestive of the same. If this is in fact the case, then (whether or not the transfer and expenditure were authorized under the Endowment Fund Bylaw of 1991 and the Capital Facilities Fund Bylaw of 1991), the resolutions of 10 May 2010 direct the executive management to undertake transfer and expenditure which duplicate the 2009 actions. And since the first resolution and the second resolution do not make reference to the timing of the transfer and the expenditure, the resolutions (if they have any force or effect, and this may be doubtful) can be carried out any time during 2010 or any subsequent fiscal year, even though the objects to which the 2<sup>nd</sup> resolution refers were completed and put into operation during 2009. The implication is that \$2,536,980 can by means of the first resolution of council (if lawful) be transferred to the capital facilities fund, even though an identical amount was transferred in the prior year to the fund from the endowment fund with or without authorization. But that money need not be expended or if expended can be used to pay for “... capital costs associated with the Community Centre, ....” at any future date, provided of course that Sections 173(1) and 173 (2) of the Act are complied with.

Community Charter Section 189(4.1) was employed by Mr. Mark Chan, and by Ms. B. Wood, to frame and justify the transfer of money from the Endowment Fund to the Capital Facilities Fund without the necessity of fulfilling

the condition set out in Part 6, Section 6.4 of the Endowment Fund Bylaw No. 4642, 2010, viz.,

“The recently adopted Endowment Fund and Capital Facilities Fund Bylaws (sic) have been modernized to take into account changes to the legislation which include fund transfer provisions and repayment mechanisms and the requirement for a resolution as opposed to a bylaw.” [p.3 Council Report, 5 May 2010, B. Wood, File: 0910-11/12.]

The phrase “Despite any other enactment, ...” has likely been construed to mean that Section 189(4.1)(a) stands alone. And this has been interpreted to mean that a transfer from one capital reserve fund to another requires only a council resolution. However, Sections 189(2) and 189(4) have a part to play. Section 189(2) states that if council chooses to transfer an amount surplus to the amount required for the purpose of the fund, that transfer can only be effected by bylaw. Section 189(4) places a restriction on Section 189(2) by restricting the transfer to a transfer between funds established for a capital purpose. The part that they play hinges on the meaning attached to the noun “enactment”. Enactment (n), generally means an Act, such as the Community Charter, or another act of the Legislature. Enactment does not appear to mean a subsection of an Act appearing within the same Act that the word enactment appears. So, by way of example, when the Community Charter intends that a section or subsection does not apply to another section or subsection, the wording of the Act will spell that out in plain English. It would be unusual for the legislature to use the noun enactment to refer to any other section or subsection of the same piece of legislation, such as the Community Charter within the body of the legislation. The plain and straight forward interpretation of the phrase “Despite any other enactment, ....” is that it is referring to any other legislation, bylaw or regulation, other than the Community Charter itself. Thus, instead of taking Section 189(4.1)(a) in isolation as appears to have been done by District staff, Section 189(4.1) has to be read in conjunction with Sections 189(2) and 189(4). If this is indeed the case, then it is not sufficient to authorize a transfer from the first capital reserve fund to the second fund by means of a council resolution --- a transfer must be authorized by means of a bylaw pursuant to Section 189(2). Taking this line of reasoning to its logical conclusion, it leads me to believe that the first council resolution of the 10<sup>th</sup> May is not sufficient authorization to remove money from the Endowment Fund.

In summary, the basis for the resolutions passed on 10 May 2010 at the Special Council Meeting, Agenda Item 6, appear to contravene one or more requirements under the Community Charter Act [2003] Chapter 26, Part 6; the transfer and expenditure are not authorized by the financial plan then in effect on 10 May 2010; furthermore the resolutions make no reference to the timing of the transfer and expenditure, and therefore the transfer and expenditure may be made at any future point in time for any purpose so long as the expenditure is to pay for capital costs associated with the community centre, Almondel bridge and 1528 Argyle property without any other restriction as to timing or purpose.

This was, and is the basis for my concern regarding Agenda Item 6 of the 10 May 2010 Special Council Meeting resolutions.

Yours sincerely,

/s/



(7)

From: Metro Vancouver [SWMP@metrovancover.org]  
Sent: Tuesday, May 11, 2010 1:56 PM  
To: Sheila Scholes  
Subject: Consultation on Metro Vancouver's Solid Waste Management

0185-01

TURNING IDEAS INTO ACTION

# How should we manage our waste?

Every year, Metro Vancouver residents and businesses generate 3.4 million tonnes of garbage and recyclables. Metro Vancouver is consulting on a new **Draft Integrated Solid Waste and Resource Management Plan** to guide the management of solid waste in an affordable and environmentally responsible way.

If you wish to speak at a public meeting, you will be asked to register at the front desk (five minutes per speaker). Written submissions are encouraged, and will be acknowledged. Issues raised in correspondence and at public meetings will be addressed prior to submission of the final plan to the B.C. Minister of Environment for approval.

Metro Vancouver staff will be available to answer questions during the open house and Q & A portion of the evening.

For more information visit: [www.metrovancover.org](http://www.metrovancover.org)

Send your comments by July 14, 2010 to:

Lois E. Jackson, Chair, Metro Vancouver or  
Greg Moore, Chair, Metro Vancouver Waste Management Committee  
who will be chairing the meetings.

EMAIL: [icentre@metrovancover.org](mailto:icentre@metrovancover.org)

FAX: 604-432-6297

MAIL: Metro Vancouver, Public Involvement Division 4330 Kingsway, Burnaby B.C. V5H 4G8

## PUBLIC MEETINGS

OPEN HOUSE 6 - 7 pm  
PUBLIC INPUT 7 - 10 pm  
Q&A 10 - 10:30 pm

Mon. May 3	Fraser Valley Regional District	Hope Golf Club 900 Golf Course Road, Hope
Tues. May 4	Tri-Cities	Inlet Theatre 100 Newport Drive, Port Moody
Wed. May 5	The Langleys	Newlands Golf & Country Club 21025 48th Avenue, Langley
Thurs. May 6	Maple Ridge/Pitt Meadows	Fraserview Village Hall 22610 - 116th Avenue, Maple Ridge
Tues. May 11	North Shore	Lonsdale Quay Hotel 123 Carrie Cates Court, North Vancouver
<b>NEW</b> Tues. May 18	South Surrey/White Rock	Coast Capital Playhouse 1532 Johnston Road, White Rock
Wed. May 19	Vancouver	Vancouver Public Library Central Library Alice MacKay Room 350 West Georgia Street, Vancouver
Thurs. May 20	Delta/Richmond/North Surrey	Delta Town & Country Inn 6005 Highway 17, Delta
Wed. June 16	Fraser Valley Regional District	Best Western Rainbow Country Inn 43971 Industrial Way, Chilliwack
<b>NEW</b> Thurs. June 17	New Westminster/Burnaby	Fraser River Discovery Centre 788 Quayside Drive, New Westminster

OPEN HOUSE 12 - 1 pm  
PUBLIC INPUT 1 - 4 pm  
Q&A 4 - 4:30 pm

Sat. May 15	Fraser Valley Regional District	<b>NEW venue for Abbotsford</b> Abbey Arts Centre 2329 Crescent Way, Abbotsford
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metro vancouver

Videos  
(required Flash Player)



Draft solid waste management plan

## Draft Integrated Solid Waste and Resource Management Plan Public Consultation

Metro Vancouver is currently consulting on a new solid waste management plan – the Draft Integrated Solid Waste and Resource Management Plan. Metro Vancouver is responsible for managing the garbage (called solid waste) produced by residents and businesses in the Lower Mainland. A solid waste management plan, evaluated and approved by the region's Board and the provincial government, directs how our waste is managed.

The current goal is to improve reduction, reuse and recycling efforts so that by 2015, a minimum of 70% of our waste is diverted from disposal (landfill or waste-to-energy). The top priority in managing waste is to reduce our garbage as much as possible through the Zero Waste Challenge.

### The Plan

- Draft Integrated Solid Waste & Resource Management Plan
- Draft Implementation Plan
- » Highlights

### The Consultation Process

- » History - How the draft plan has been developed
- » Current consultation

### Join the Discussion

- » Frequently asked questions
- » Provide feedback on the draft plan
- » Correspondence received

### Public Meeting Dates

**Open House:** 6–7 pm **Public Input:** 7–10 pm **Q & A:** 10–10:30 pm for all meeting dates except Abbotsford. See below for Abbotsford times. See here for a public meeting agenda.

- Monday, May 3** Location: Fraser Valley Regional District  
Address: Hope Golf Club  
900 Golf Course Road, Hope  
 Map
- Tuesday, May 4** Location: Tri-Cities  
Address: Inlet Theatre  
100 Newport Drive, Port Moody  
 Map
- Wednesday, May 5** Location: The Langleys  
Address: Newlands Golf & Country Club  
21025 - 48th Avenue, Langley  
 Map
- Thursday, May 6** Location: Maple Ridge/Pitt Meadows  
Address: Fraserview Village Hall  
22610 - 116th Avenue, Maple Ridge  
 Map
- Tuesday, May 11** Location: North Shore  
Address: Lonsdale Quay Hotel  
123 Carrie Cates Court, North Vancouver  
 Map
- NEW VENUE**  
**Saturday, May 15** Location: Fraser Valley Regional District  
Address: Abbey Arts Centre  
2329 Crescent Way, Abbotsford  
**Open House:** 12-1 pm **Public Input:** 1-4 pm  
**Q & A:** 4-4:30 pm  
 Map
- NEW**  
**Tuesday, May 18** Location: South Surrey/White Rock  
Address: Coast Capital Playhouse  
1532 Johnston Road, White Rock  
 Map
- Wednesday, May 19** Location: Vancouver  
Address: Vancouver Public Library –  
Central Library Alice MacKay Room  
350 West Georgia Street, Vancouver  
 Map
- Thursday, May 20** Location: Delta/Richmond/North Surrey  
Address: Delta Town & Country Inn  
6005 Highway 17, Delta  
 Map
- Wednesday, June 16** Location: Fraser Valley Regional District  
Address: Best Western Rainbow Country Inn  
43971 Industrial Way, Chilliwack  
 Map
- NEW**  
**Thursday, June 17** Location: New Westminster/Burnaby  
Address: Fraser River Discovery Centre  
788 Quayside Drive, New Westminster  
 Map

### Background Information

- Zero Waste Challenge- Goals, Action and Strategies
- Independent analysis of disposal options (AECOM study)
- Effects on air quality of disposal options (RWDI study)
- » more resources and videos

### Contrary Opinions

- British Society for Ecological Medicine Report and Response
- KPMG Presentation, Letter and Response
- McKendry Report and Response
- Sound Resource Management Report and Response

(8)

0055-20-UBCM1



## ***MEMBER NOTICE***

**TO: Mayor and Council  
Chair and Regional District Board  
Administrator**

**FROM: UBCM Secretariat**

**DATE: May 11, 2010**

**RE: CHANGES TO LIQUOR LICENSING POLICY**

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The province on April 29, 2010 introduced Bill 20: The Miscellaneous Statutes Amendment Act No. 3. The legislation contains amendments to the Liquor Control and Licensing Act which may affect local government. UBCM is writing to make you aware that changes are being proposed to provincial liquor licensing policy and to get your feedback on the issues identified in the legislation. We look forward to your comments and will be forwarding this information to the province.

A number of the legislative changes introduced appear to place limitations on the need to consult with local government over certain types of liquor licensing provisions. The potential impact of the changes and how it might limit local government input into the liquor licensing process is not known as UBCM was not consulted about any of the changes. We have written the province setting out our concerns regarding the failure to consult with local government on the legislative changes.

The Community Charter outlines the principles of municipal-provincial relations and states that consultation is needed on matters of mutual interest and that local government be provided an opportunity to comment on the changes that are being proposed. In the case of the legislative amendments to the Liquor Control and Licensing Act the consultation requirements outlined in the Charter were not met.

Outlined below is a summary of some of the changes proposed to the Liquor Control and Licensing Act in Bill 20:

**Major public safety initiatives:**

- Clarify statutory authority to assess the personal suitability of anyone involved in the control or management of a licensed establishment to minimize risk of criminal/gang infiltration – currently in place through branch policy
- Allow the LCLB general manager to temporarily suspend liquor licences for up to 14 days without a hearing in extraordinary circumstances
- Allow the LCLB and police to hire minors to help monitor whether licensees are complying with ID checking rules – minors would be under supervision and not allowed to consume alcohol
- Clarify that it is illegal to have open liquor in public
- Provisions for greater control over who may obtain a special occasion licence and where the event may be held, and for holding special occasion licence holders accountable for infractions such as intoxication and service to minors.
- Provision to licence rural agency, manufacturer and private wine stores and hold them to the same compliance and enforcement rules as other private liquor retail outlets

**Streamlining, good governance and deregulation initiatives:**

- Allow for seniors' care homes to serve liquor to residents and their guests – liquor service is currently restricted to residents
- Provision to simplify the process for local government/First Nation input on low risk liquor-primary licence applications (e.g., small capacity lounges)
- Allow the LCLB general manager to reinstate a licence if it is renewed after the expiry date
- Provision to permit financial relationships between liquor manufacturers and licensees (except for UBrews/UVins)
- Provision to modernize trade practice relationships between liquor manufacturers and licensees
- Transfer the club licence provisions from the Act to the Regulations
- Consolidate all gaming regulations within the Gaming Act, to be regulated by the Gaming Policy and Enforcement Branch
- Provision to allow liquor manufacturers and agents to donate liquor to charity special occasion licence events
- Allow all licensees to support and sponsor community activities and events – currently only liquor manufacturers may sponsor events
- Add herbal remedies containing alcohol to the list of products that may be exempted from the Liquor Control and Licensing Act
- Allow licensees to pre-mix drinks
- Provision to amend the process for bringing in small amounts of alcohol into BC from elsewhere in Canada for personal use

- Clarify that agents may not sell to the public or to licensees, but may sell to Liquor Distribution Branch (LDB)
- Allow the LDB general manager (rather than minister) to decide how forfeited liquor will be disposed
- Repeal redundant provisions about reporting the value of seized liquor to the Minister of Finance
- Eliminate the requirement that police notify the LCLB general manager in writing whenever they seize liquor
- Provision to allow certain rural agency stores in remote areas to sell to licensees as is presently permitted under their appointment

The two changes that would affect local government directly are proposed in:

*Section 120: [Liquor Control and Licensing Act, section 11.3] deletes the requirement for consultation with local governments or first nations on renewal of a prescribed class or category of licence.*

*Section 120: [Liquor Control and Licensing Act, section 11.31] allows regulations to exempt certain classes of licences, establishments or licensed establishments from requirements to consult with local governments and first nations and allows for regulations to provide an alternative process for consultation in that case.*

UBCM has written the province outlining our concerns regarding their failure to consult on the proposed changes to the Liquor Control and Licensing Act. We would appreciate any comments your community may have on the legislative changes.

UBCM is looking to sharing your concerns about this matter with the Minister. We are also considering re-establishing a Liquor Licensing Working Group to discuss these changes and other liquor licensing issues of concern to local government with the Liquor Control and Licensing Branch.

Please contact Ken Vance, Senior Policy Advisor if you have any questions (Ph: 604-270-8226 Ex.114; e-mail: kvance@ubcm.ca).

Goldsmitth-Jones

2160-04-CSEAL(9)

May 5, 2010

Mayor and council.  
District of West Vancouver,

Please, Please, Please use your  
intelligence and DO NOT ALLOW DOGS EVER!  
ON THE SEAWALL (DUNDARAVE → AMBLESIDE). ° °

The move to have dogs in Whytecliff  
Park had to be the dumbest move —  
For heaven's sake it is a Marine Park!  
It was bad enough when dogs weren't  
allowed because dogs still came  
unleashed to the park & on the beach!  
They chased seals and pooped  
everywhere! Lately I have  
witnessed unleashed dogs running  
through the playground and  
pooping in the sand (owners  
totally unaware of course!) Just  
wait for summer picnics sitting  
in poop and being bothered by  
dogs. How many <sup>dogs</sup> are allowed  
into the park at a time? I do not  
remember public consult on the  
issue of dogs in Whytecliffe park.

Now to the Seawall. It is the last  
remaining, relaxing place one can

Council,

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May 5, 2010

go without stepping in poo, avoiding dogs, smelling poo etc. I do not go to Whytecliff or the Seaview Trail any more. The stench on the Seaview Trail is horrible and one has to dodge poop and dogs. When one notices large dogs dumping 100 meters behind their jogging owners who never pick up the poops it reminds me that dog owners are not the brightest crayons in the box. Owners typically let their unleashed dogs out of the car and the dogs immediately poop nearby with no pickup. Why do dog owners not train their dogs to poop in their own backyards? Why do they always poop elsewhere? Think of the number of dogs, and the number of poops everyday! It is too difficult to avoid leaping, sniffing dogs on that trail.

The SKAWALL is the last remaining local relaxing walk. It is crowded enough now with so many people! Can you imagine adding 200 leashed (unleashed) <sup>or more</sup> pooping dogs! Who will patrol

Council,

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May 5/2010

The numbers of dogs at any one time? If there are 400 dog owners with 2 dogs each in the "dog groups" and they all show up, that is 800 dogs on the Seawall — not to mention out-of-town dogs and people.

Children are at dog level, seniors are frail, and a lot of us do not enjoy dogs! What about people recovering from surgery who cannot relax for fear of being knocked down.

Can't owners leave their dogs at home for 1/2 hour to go for a walk?

I hope that the \$2000/per month (\$24,000 per year) spent on poop cleanup on the Seawall as well as the baggies are not charged to the taxpayers but to dog owners alone.

Also the number of dogs in ~~stores~~ <sup>STORES, CHURCHES</sup> and parks is ridiculous! Can the owners not leave the dog in the car or outside?

Please keep dogs off beaches too!

Council,

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May 5, 2010

Please use your intelligence and do not allow dogs <sup>EVER</sup> on the Seawall. It would be a very dumb move if you did. It is too crowded with people, poop would be a huge problem, unleashed dogs would be a problem and overall it would not make the walk relaxing.

ALSO I have heard from 4 people of being terrified while coming upon loose dogs (male dog walker took off in opposite direction when yelled at) while walking in Nelson Creek Area. Some of these people had large dogs on a leash, TERROR is the word they used. I don't go there with least.

Please DO NOT allow dogs on SEAWALL  
EVEN A TRIAL RUN!! Thank you.

(10)

2160-04-CSEA1

**From:** ( )  
**Sent:** May 10, 2010 10:03 PM  
**To:** MayorandCouncil  
**Subject:** Proposed leashed dogs on seawalk bylaw change

( )

Dear Mayor and Council,

When I first read of the proposed change I began thinking about how important the seawall and the walk through to the east end of Ambleside park has been to my family and myself over the last 39 years. It is a defining part of West Vancouver. It works. I walk it frequently. I also frequent many of the hiking trails in the mountains where I frequently encounter dogs, quite often off leash even in areas where leashes are required. Although I like dogs I find it unsettling to have these dogs come bounding towards me. Even the dogs on leash will sometimes lurch toward me as we pass which I find unnerving. With the wonderful mixture of people on the seawall, it seems to me, to throw in dogs would be a giant step backwards and would decrease the enjoyment of the walk for many people. For reasons of safety, comfort, and cleanliness I feel allowing dogs on these areas would significantly impact the enjoyment of many users. I certainly have no objection to dog owners having unfettered access to these areas without their dogs. In fact some of the nicest people I know are dog owners.

To let you know how strongly I feel about this issue, this is the first letter I have sent to any government on any issue in my 69 short years, god knows there have been many that I probably should have.

I trust your wisdom and good judgment to make the correct decision on this issue.

Yours sincerely  
( )

1610-20-4634

C2 (11)

**From:** patrick malone ( )  
**Sent:** May 3, 2010 12:52 PM  
**To:** MayorandCouncil  
**Subject:** Ambleside rezoning  
**Attachments:** The rezoning Bylaw amendment No.doc

The rezoning Bylaw amendment No. 2200 proposing to allow a Seafood Shack between the beach and Marine Drive is flawed. Not for the operators of course; who stand to make excessive profits by way of predatory pricing and proprietary location but for the Marine Drive shop-keepers who will see dwindling street traffic.

The retail landscape of Ambleside is pock marked with empty commercial store fronts. Just as the bustling success of some neighbourhoods nurtures growth, this blight is more conducive to business failure, job loss and tax base shrinkage.

A rezoning proposal that will keep thousands of beach goers from coming up to Marine Drive for food, beverage and all manner of shopping is extremely poor civic planning.

Ambleside is more than just a beach! It's a village of charming shops and wonderful family operated restaurants, coffee shops and cafes. Every effort must be made to protect the modest business traffic that comes their way and never allow such an obvious impediment as a Beach-side Seafood Shack.

To be candid I'm shocked that the feasibility of this proposal has gotten as far as it has. Weighted in strictly corporate Risk vs. Reward terms the reward is earmarked exclusively for one business entity that will have an unacceptable advantage in location and enviable low overhead while the risk is shared by dozens of existing businesses who struggle through winters depending on the overflow traffic that fine weather beach going produces.

Removing this annual and sustainable economic stimulus from the existing Marine Drive businesses would be an egregious act of commercial mismanagement.

I call upon members of council to take the time to consider the gravity of the impact this rezoning will have on our neighbourhood and deny the proposal.

Sincerely;

Patrick Malone

1375 Lawson Street

West Vancouver BC

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Sincerely;

Patrick Malone

correspondence

2515-04

(12)

( )

CONFIDENTIAL

May 11, 2010

Mayor Goldsmith-Jones and Councillors  
c/o West Vancouver City Hall  
West Vancouver, B. C.

Your Worship and Councillors,

This may be a nutty idea that you have previously considered and rejected since, shamefully, I do not keep up with District meetings as a good citizen should. If that is the case, just toss this in the garbage can. I certainly don't expect any reply in light of your onerous schedules.

It occurs to me that inasmuch as traffic in future can only become more onerous, especially along Marine Drive and considering your anticipated work on the road over the Capilano River, that one option might be to run a mini-train (similar to the successful venture during the Olympics) from a point in North Vancouver to a West Vancouver docking point, (or vice versa) especially while you are in the process of developing sea-side plans, so that those of us living on the North Shore and working in Vancouver might be able to park our cars at various locations, purchase train and ferry tickets at a convenient spot, then carry on by train and ferry right into downtown Vancouver.

The Olympic trains were quiet and did not seem to upset adjacent apartment owners (at least that I've heard of). And in light of tremendous problems with both North Shore bridges in recent years, with the expectation that things will not ease in years to come, might this not be a solution (albeit perhaps stop-gap) to future congestion?

Keep up your good work – this is such a wonderful place where we live, hopefully we can keep it that way.

Sincerely,

( )



# west vancouver

ENGINEERING AND TRANSPORTATION

750 17TH STREET, WEST VANCOUVER, B.C. V7V 3T3  
TELEPHONE: 604 925-7020 FACSIMILE: 604 925-5968

(13)

May 12, 2010

File: 1700-02

( )  
Dear Mr. and Mrs( ) ;

**RE: Metered Utilities at( )**

I am in receipt of your letter to Mayor and Council dated May 5, 2010, which has been directed to me for response. Please allow me to clarify the charges appearing on your first quarter utility statement for 2010. The percentage increase from the previous billing that you have indicated represents a total of all utility charges, not only water but also including sanitary sewer, storm drainage, garbage/yard trimmings collection, and recycling services. While your water consumption fell from 62 cubic metres to 41 cubic metres, the volume only affects the metered water and metered sanitary components of the bill. Notwithstanding, your comment regarding rising costs is acknowledged.

Indeed the District faces an increase of 11.9% in the rate for purchase of bulk treated water from Metro Vancouver. To mitigate the ongoing regional increases, the District has taken steps in recent years to develop the municipal, Eagle Lake water source, which will allow us to be more self-sufficient and self-reliant for potable water. With respect to sanitary sewer, the regional sewer levy for West Vancouver by Metro Vancouver has seen an increase of 11%. Another reason for water and sewer rate increases in 2010 is to provide for the District's cost share on federal infrastructure grant projects.

In the solid waste area, while the District held rates steady for the past 10 years, the primary drivers for increased expenditures are: increases in the third party contracts for garbage/yard trimmings collection and for recycling services of 75% and 225% respectively and an increase of 15% to the regional tipping fee. These expenditures total a 63% increase in the revenue requirement of the solid waste utility, however even so, West Vancouver's solid waste charges remain the lowest of the three North Shore municipalities.

Document # 395533v1

Given the challenges facing our utilities, Council debated the increases to the rates in public and decided to defer much needed increases to the capital renewal budgets for water and sewer until 2011.

Finally, with respect to the service connection work across the street completed by the utilities crew, I would note that construction for third parties is fully cost recoverable from the building permit applicant and is not subsidized by the general ratepayer.

I trust the explanation above provides a sufficient rationale for the charges on your first quarter statement. More information is provided in the brochure which accompanied your statement, however should you require further details, please contact me by email at [rfung@westvancouver.ca](mailto:rfung@westvancouver.ca) or by telephone at 604.925.7159.

Yours truly,



Raymond Fung, M.Eng., P.Eng.  
Director, Engineering & Transportation

RF/

cc: Mayor and Council  
Phil Bates, Manager, Engineering Services  
John McMahon, Manager, Utilities

0835-01

Mayor and Council

5<sup>th</sup> May 2010

The District of West Vancouver

750 17<sup>th</sup> Street

West Vancouver, BC V7V-3T3

Dear Sirs & Madames.

Regarding our Metered Utilities )

Our current quarterly billing is a 24% increase over the previous billing despite the water consumption falling from 62 cubic meters to 41. At this rate, our annual billing will exceed a \$1,000.

We can see how this can come about; opposite our house, your Public Works team, complete with very shiny new equipment and the attendant Flag person have made 7 half or full day visits to install water and sewer. At a rough estimate the costing on this is probably in excess of \$40,000. Also, the recovery of the costs involved with the gigantic endeavor in Lynn Valley to create water for the Regional District whereas in the past the North Shore was self sufficient. Doubtless Council was not cognizant of these huge costs or was not prepared to inform the Citizenry when they signed on to the expansion.

We guess that we are all fortunate to live in a Municipality where the citizens are not much concerned as to costs and budgets.

However, you could consider appointing a non-partisan group to advise Council on potential cost savings where none seem to be much of a priority at this time. This would go some way to placate your voters.

Yours truly

( )