



To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 2

## 2.0 POLICY CONTEXT

The proposed 2023 resolutions are aligned with the City of Burnaby's *Corporate Strategic Plan* (2022).

## 3.0 2023 UBCM RESOLUTIONS

This section provides background information on new resolutions that have been developed for Council's consideration and possible submission to the 2023 LMLGA AGM and UBCM Convention.

### 3.1 *Resolution: Expanding Property Transfer Tax Exemptions*

While affordable housing delivery is under the jurisdiction of the federal and provincial governments, local governments in BC are increasingly using their own resources, including land and financial grants, to help facilitate the development of non-market housing. A common form of assistance offered by local governments is the provision of land, leased to not-for-profit organizations at a nominal rate. With these nominal land leases often having terms of 60 years or more, local governments are forgoing significant potential revenue in support of housing affordability.

However, while local governments are willing to forgo the potential market revenue of its lands and provide them at a nominal rate, not-for-profit organizations are required to pay a provincial Property Transfer Tax when the lease is registered at the Land Title Office. The Property Transfer Tax is based on the fair market value of the property (land and improvements), and must be paid unless the organization qualifies for an exemption. Currently, in relation to non-market housing, the Province only provides a Property Transfer Tax exemption for registered charities, but not for non-profit organizations that may be doing similar work in delivering much-needed affordable housing to BC residents.

To reduce the cost of non-market housing development, particularly a cost being collected by the Provincial government who is trying to encourage more non-market housing development, the following resolution has been prepared for Council's consideration:

**WHEREAS** the high cost of land is one of the greatest barriers to non-market housing development in British Columbia;

**AND WHEREAS** municipalities have been asked by the Province to support the development of new non-market housing developments, including by forgoing market value of their own lands to provide to not-for-profit organizations at a nominal rate and for extended periods of time to facilitate the development of affordable housing;

**AND WHEREAS** municipalities view not-for-profit organizations as partners in non-market housing development, regardless of their registration status as a society or charity:

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 3

**THEREFORE BE IT RESOLVED** that UBCM urge the Provincial Government to review the Property Transfer Tax and other provincial legislation to expand the exemption from payment of Property Transfer Tax to all not-for-profit societies, co-operatives or corporations incorporated and in good standing under the *BC Societies Act*, *Cooperative Association Act*, or the *Canada Not-for-profit Corporations Act* who are leasing municipal lands for the development of affordable housing from payment of Property Transfer Tax to eliminate this financial burden on the creation of non-market housing.

### **3.2 Resolution: Exemptions for Elections Workers**

Elections whether local, provincial or federal are a huge undertaking in a compressed period of time. Costs have continued to grow yearly and technology has changed the way elections are conducted, which changes the skills and abilities required of election workers. Pay rates are necessarily competitive as local governments work to recruit experienced, computer literate employees interested in very short term employment.

Local governments are required to meet provisions of the *Employment Standards Act* in relation to election workers. There are no exemptions under the *Act* for temporary election workers hired to work on advance and general voting days. Adhering to the *Employment Standards Act* adds a level of complexity to the process which is both time consuming and costly.

The Provincial Government has an exemption from Part 4 of the *Act* established by section 35.1 of the *Act* which exempts temporary Provincial election workers from the hours of work and overtime requirements, with the exception of protection against excessive hours.

To reduce the time and cost associated with employing temporary local government election workers in accordance with legislation, the following resolution has been prepared for Council's consideration:

**WHEREAS** there is no exemption under the *Employment Standards Act* for temporary municipal election workers hired to work on advance and general voting days;

**AND WHEREAS** the Provincial Government has an exemption from Part 4 of the *Employment Standards Act* relating to hours of work and overtime, and is therefore not required to meet these legislative requirements for temporary election workers:

**THEREFORE BE IT RESOLVED** that UBCM request the Provincial Government to provide to local governments an exemption from Part 4 (Hours of Work and Overtime) of the *Employment Standards Act*, except section 39 which refers to excessive hours of work, as it would relate to temporary election workers during the local government elections and by-elections.

### **3.3 Resolution: Extending Election Nomination Period**

The local government election nomination period has for decades occurred between the forty-sixth day and thirty-sixth days before general voting day, followed by a seven (7) day period for candidate

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 4

withdrawals or challenges. As a result, when the first advance voting day is taken into account, there are only 10 working days between finalization of candidates and printing of the ballot.

Within this time frame ballots must be proofed, revised and proofed again before being finally printed. The vast majority of local governments across the province use the same printer as they have been certified to create ballots suitable for electronic vote tabulators. If any errors occur there must also be time for reprinting ballots.

Further, all printed and electronic documentation containing candidate information must be finalized, printed and mailed out within the same time frame so that voters have the information prior to voting.

Finally, processing all nominations within a compressed period of nine (9) days can be challenging depending upon the number of candidates choosing to run for office. A further impact to the timeline is the potential for an additional September statutory holiday (National Day for Truth and Reconciliation) which would reduce processing time down to eight (8) days. Compressed time frames can increase the amount of overtime it often takes to ensure statutory deadlines are met and all documentation is correct.

To create more efficient, effective processes in the critical areas of candidate nominations, ballot production and tabulator programming, the following resolution has been prepared for Council's consideration:

**WHEREAS** the manner in which election work is undertaken has evolved and can vary based on the size of the local government, current issues, and voter concerns;

**AND WHEREAS** processing nominations for local government general elections within a compressed period of nine days can be challenging for those local governments with large numbers of candidates choosing to run for office;

**THEREFORE BE IT RESOLVED** that UBCM request the Provincial Government to amend the *Local Government Act* to begin the nomination period for local government elections at least three weeks earlier than currently legislated, and allow for a three week nomination period.

### **3.4 Resolution: Creating More Equitable Municipalities**

Equitable communities exist when all residents are able to access and engage in community spaces to have their needs met. However, many residents have not had an equal opportunity to provide input on how their communities develop or change, particularly women and gender diverse people. A consistent lack of inclusion and diverse perspectives over time has led to the development of communities that do not meet the needs of all people and abilities.

Various organizations are working towards understanding and dismantling systemic inequalities. The Research and Action for Healthy Cities (REACH-Cities) Project aims to identify how cities can welcome and support people of all genders, particularly those historically overlooked within city planning on the basis of age, race, income, or ability. REACH-Cities explores relationships

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 5

between health-related outcomes and gender and other intersectional identities. At the December 12, 2022 Council meeting, Council approved the participation of the City of Burnaby in the REACH-Cities Project as a project partner, supported via the Civic Innovation Lab.

Analytical tools are also being used by the provincial and federal government to assess systemic inequalities, including the use of Gender-Based Analysis Plus. This analytical tool evaluates how gender, sex, and other identity factors impact ways people may experience policies, programs, and initiatives. With the use of an intersectional approach, Gender-Based Analysis Plus aims to help foster responsive, inclusive initiatives that address inequities and meet diverse needs. The provincial and federal government have both committed to supporting the implementation of Gender-Based Analysis Plus across departments and agencies.

To alleviate systemic inequities and create more equitable municipalities, the following resolution has been prepared for Council’s consideration:

**WHEREAS** systemic inequities are present in all municipalities and prevent all citizens from fully participating in civic life;

**AND WHEREAS** numerous municipalities across British Columbia and Canada have made progress towards becoming more equitable by committing to embed equity in all government action through the use of analytical processes for the assessment of systemic inequities (e.g., Gender-Based Analysis Plus);

**AND WHEREAS** the Province of British Columbia and the Government of Canada have adopted Gender-Based Analysis Plus to assess how diverse Canadians experience policies, programs, and government initiatives:

**THEREFORE BE IT RESOLVED** that UBCM call upon the Province of British Columbia and the Government of Canada to provide resources, including funding and training, as well as policy direction on equity to enable municipalities to implement said processes across municipal capital investments, operations and strategic initiatives;

**AND BE IT FURTHER RESOLVED** that UBCM urge local governments across British Columbia to adopt said processes to ensure all citizens can participate fully in civic life and to make measurable progress towards dismantling systemic inequality in our communities.

**3.5 Resolution: Supporting Non-profit ownership of Non-market Housing in Air Space Parcels**

The Rental Use Zoning Policy requires rezoning applicants to include non-market units into their overall development. The policy also states the City’s preference that inclusionary rental units and replacement rental units created under the policy are owned and/or maintained by non-profit organizations. Non-profit housing operators have indicated they prefer to own or lease these dwelling units in fee simple via an air space parcel rather than within a strata, however lenders have been unwilling to provide mortgage financing to acquire the units (either through BC Housing or CMHC funding programs) until the non-profit organization has a lease or title on the air space

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 6

parcel. This creates a timing issue, as air space parcel subdivisions are currently only created at the end of the multi-year construction process due to the need for precise elevations of the constructed building, since once the air space parcels are created they are not permitted under the *Land Title Act* to have their boundaries adjusted further. Not being able to obtain title on an air space parcel has resulted in non-profits being unable to secure the funding they would need to acquire the non-market units.

If the *Land Title Act* allowed volumetric air space parcels for non-market housing developments to be created earlier, on a provisional basis, and then refined before occupancy through a lot line adjustment that reflects the final building elevations, it could enable non-profit organizations to qualify for mortgage financing and become able to commit to partnerships earlier in the process.

To facilitate the acquisition by non-profit organizations of dwelling units within mixed (market and non-market) developments, the following resolution has been prepared for Council's consideration:

**WHEREAS** municipalities have been asked by the Province to support the development of new non-market housing developments;

**AND WHEREAS** municipalities have adopted policies to encourage the inclusion of non-market housing owned and operated by a non-profit organization as part of market housing developments;

**AND WHEREAS** non-profit organizations are being denied mortgage financing to acquire non-market dwelling units due to lack of title or lease while the building is under construction:

**THEREFORE BE IT RESOLVED** that UBCM request the Provincial Government to amend the *Land Title Act* to enable lot line adjustments for air space parcels, to allow non-profit organizations to obtain title and financing on a provisional air space parcel which may then be further subdivided prior to occupancy to align with the building's elevations as constructed.

### **3.6 Resolution: Municipal Authority for Empty Homes Tax**

The Provincial Government amended the *Vancouver Charter* in July 2016, providing Vancouver City Council with the authority to pass a bylaw to implement a tax on empty homes. This Empty Homes Tax both encourages owners of residential property in Vancouver to rent or sell unoccupied homes rather than leaving them empty, and generates funds for local affordable housing initiatives. As Burnaby and other local governments in British Columbia are empowered through the *Local Government Act* and *Community Charter*, this authority to tax empty homes is not available.

The separate Speculation and Vacancy Tax has been administered by the Province since 2019, and applies 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.

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 7

Municipalities like Burnaby are actively taking an increased role in the provision of housing options in their communities, and enabling local governments to tax unoccupied homes would encourage the sale or rent of unused homes, increasing the available supply of homes and generating funds to complete locally appropriate housing projects.

To increase the supply of rental homes in communities and 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** the authority to adopt an Empty Homes Tax is not currently available to municipalities operating outside of the *Vancouver Charter*;

**THEREFORE BE IT RESOLVED** that UBCM call upon the Province of British Columbia to amend the *Community Charter* to enable municipalities to administer a specific property tax on unoccupied Class 1 Residential properties, with net revenues to be used by the municipality towards affordable housing projects.

### 3.7 Resolution: eGaming Revenue Distribution

The provincial government collects and shares casino revenues with host cities that have a casino within their boundaries, with the funds going to any purpose that is of public benefit to the community. This revenue sharing does not extend to online gaming (eGaming) operated by BC Lottery Corporation (BCLC), which has experienced rapid revenue growth both during the COVID-19 pandemic while casinos were closed, and beyond.

To support municipalities in funding initiatives of public benefit through gaming revenue, the following resolution has been prepared for Council’s consideration:

**WHEREAS** eGaming revenue is increasing as a proportion of overall gaming revenue collected by the Province;

**AND WHEREAS** eGaming revenue is not currently shared with municipalities, unlike casino revenues which are shared with host cities for the purpose of public benefits:

**THEREFORE BE IT RESOLVED** that UBCM call upon the Province of British Columbia to allocate a portion of BCLC’s online revenues based on per capita or eGaming revenue earned from each municipal resident spend.

### 3.8 Next Steps

Pending approval by Council, the proposed new resolutions will be forwarded to the Lower Mainland Local Government Association (LMLGA) AGM (deadline March 3, 2023) and the Union of BC Municipalities (UBCM) annual Convention (deadline June 10, 2023) for discussion and

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 8

endorsement consideration. The UBCM deadline for any further resolutions desired by Council is June 30, 2023.

#### **4.0 2022 UBCM RESOLUTIONS**

##### **4.1 Resolution: Increase Funding for Public Libraries in the BC Provincial Budget 2023**

At its meeting on March 7, 2022, Council approved a resolution urging the Provincial government to provide long-term sustainable funding for public libraries and ensure that BC libraries will henceforth receive regular increases to Provincial government funding in subsequent years.

*Response:* The resolution was not admitted for debate at the 2022 Convention. However, an identical resolution that was submitted by the Okanagan-Similkameen Regional District was endorsed at the Convention. The UBCM Resolutions Committee noted that the UBCM membership has consistently endorsed resolutions calling on the Province to maintain and increase its funding for public libraries over various years. No further updates have been received at this time. Staff will update Council should a response from the Provincial government be received.

##### **4.2 Resolution: Expanding the Child Care Sector Workforce**

At its meeting on March 7, 2022, Council approved a resolution urging the Provincial government to accelerate its Early Care and Learning Recruitment and Retention Strategy including implementation of a publicly funded, competitive and equitable wage grid for Early Childhood Educators.

*Response:* The resolution was endorsed at the 2022 Convention. The UBCM Resolutions Committee noted that the UBCM membership has endorsed resolutions in previous years asking the Province for the implementation of a competitive, publicly funded Early Childhood Education Provincial Wage Grid and standard fair wage for Early Childhood Educators. They also noted that the UBCM membership has supported several resolutions calling for affordable, accessible and quality child care in BC in the past. No further updates have been received at this time. Staff will update Council should a response from the Provincial government be received.

##### **4.3 Resolution: Expedited Provincial Regulation of Single-Use Plastics**

At its meeting on February 28, 2022 Council approved a resolution urging the Provincial government to expedite the development of single-use plastic regulations by the end of 2022.

*Response:* The resolution was endorsed at the 2022 Convention. The UBCM Resolutions Committee noted that the UBCM membership has endorsed previous resolutions over recent years seeking a province-wide single-use plastic regulation as well as consistent regulations across Canada. They also noted that in 2019, the UBCM membership endorsed a resolution asking the Province to allow local governments to regulate or restrict single-use items by the Province's agreement, by regulation, or by approval of the Minister. They further noted that the Province has released an intentions paper on single use and plastic waste prevention and is running an engagement period on the proposed waste prevention regulation. The proposed regulation seeks to provide a consistent province-wide approach to regulating single-use and plastic items. No further



To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023.....Page 9

updates have been received at this time. Staff will update Council should a response from the Provincial government be received.

## 5.0 2021 UBCM RESOLUTIONS

### 5.1 **Resolution: Transfer of a Portion of Speculation and Vacancy Tax Revenue to Local Governments**

The Speculation and Vacancy Tax is an annual tax paid by some residential property owners who do not meet the exemption requirements in designated regions of the province. The introduction of the Speculation and Vacancy Tax has generated new revenue for the Provincial government to put toward affordable housing initiatives within the regions that are taxed. Currently, all revenue collected from the Speculation and Vacancy Tax is directed into the Housing Priority Initiatives Special Account for use in funding affordable housing initiatives. The primary recipient of the funds is BC Housing. Municipalities currently do not receive any of this funding directly even though they are increasingly taking on a greater role in undertaking affordable housing initiatives and contributing resources to these projects. Achieving affordable housing is a shared objective and as such, in the absence of the ability of most BC municipalities to require their own vacancy tax, sharing the funding accrued from the Speculation and Vacancy Tax would allow for successful achievement of the combined efforts to increase the supply of affordable housing. At its meeting on February 16, 2021, Council approved a resolution requesting the Provincial government to distribute a portion of the Speculation and Vacancy Tax revenue to local governments.

*Response:* The resolution was not considered at the 2021 Convention and referred to UBCM Executive for consideration and recommendations, who endorsed the resolution. The Ministry of Finance responded to this resolution in September 2022. The Ministry notes that the *Speculation and Vacancy Tax Act* and the *Special Accounts Appropriation and Control Act* require the revenue from the Speculation and Vacancy Tax (SVT) to be spent in the regional district where it is collected in order to address housing unaffordability from a regional approach. The Ministry adds that requiring the funds to be spent in the regional district ensures that the money will be spent quickly and efficiently on affordability issues affecting the entire region.

The Ministry recognizes that municipalities would like to see net new social housing units being constructed in their municipality. The revenues from the SVT can be used for new housing initiatives, but funds may also be used to support existing housing, rental, or shelter programs, as outlined in the legislation. The Ministry further notes that over the next three years, the Province plans to invest \$3.4 billion in housing and homeless support and that revenues generated by the SVT account for a small fraction of the Province's \$1.1 billion housing operations budget.

### 5.2 **Resolution: Benefits of Public Car Insurance**

At its meeting on February 24, 2020, Council approved a resolution requesting the Provincial government to preserve public car insurance. However, due to the lack of time at the UBCM Convention, delegates did not have an opportunity to consider the resolution, and the resolution was automatically referred to the UBCM Executive for consideration and recommendation. At the February 2021 Executive meeting, the Executive decided to refer the resolution back to the City

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: 2023 LMLGA and UBCM Resolutions  
February 16, 2023..... Page 10

(the sponsor), with recommendation to resubmit it for 2021. Council, at its meeting on March 8, 2021, approved the resolution to resubmit for the 2021 Convention.

*Response:* The resolution was endorsed at the 2021 Convention. The Ministry of Public Safety and Solicitor General responded to this resolution in February 2022. The Ministry notes that it has demonstrated its commitment to preserving and strengthening the public vehicle insurance model in British Columbia with the implementation of Enhanced Care<sup>1</sup> as of May 1, 2021. The Ministry further notes that Enhanced Care provides the benefits British Columbians need to recover from a vehicle accident while ensuring stability, predictability and fairness with respect to premiums, and ultimately making life more affordable throughout the province.

## 6.0 CONCLUSION

This report proposes seven new resolutions for submission to the 2023 LMLGA AGM and UBCM Convention. For the convenience of Council, the report also provides an update on resolutions submitted in 2021 and 2022.

It is recommended that Council endorse the new resolutions, as outlined in *Section 3.0* of this report, for submission to the LMLGA AGM and 2023 UBCM Convention. It is also recommended that staff be authorized to forward a copy of this report, accompanied by any supporting background reports and information, to the LMLGA and UBCM. Finally, it is recommended that a copy of this report be circulated to Burnaby MLAs for information.

Any additional resolutions which may come forward subsequent to this report, and prior to the June 30, 2023 UBCM deadline, may be submitted directly to the UBCM for possible consideration at the 2023 UBCM Convention.



E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

HGH/sa

R:\Long Range Clerical\DOCS\HGH\Council Reports\2023\2023 LMLG and UBCM Resolutions (2023.02.27).docx

---

<sup>1</sup> Enhanced Care is the updated auto insurance in British Columbia launched by ICBC and the provincial government in May 2021. According to ICBC, key changes under Enhanced Care include more affordable insurance for customers, improved care and recovery benefits, and income replacement benefits.