

ITEM 3  
MANAGER'S REPORT NO. 29  
COUNCIL MEETING 90/04/23

RE: 1990 UBCM RESOLUTIONS

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1990 APRIL 18  
FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 01.250  
SUBJECT: 1990 U.B.C.M. RESOLUTIONS

PURPOSE: To present for Council's consideration a number of resolutions for submission to the Lower Mainland Municipal Association and the 1990 U.B.C.M. Convention and to provide a brief update of active resolutions previously submitted by the Municipality of Burnaby.

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RECOMMENDATIONS:

1. THAT Council approve the submission of the resolutions contained in Section 2.0 of this report to the Lower Mainland Municipal Association and the 1990 U.B.C.M. Convention.
2. THAT Council approve the resubmission of the resolution contained in Section 3.0 of this report concerning municipal authority to enact standards of maintenance by-laws to the Lower Mainland Municipal Association and the 1990 U.B.C.M. Convention.
3. THAT a copy of this report be forwarded to the U.B.C.M. Suite 15, 1055 Shellbridge Way, Richmond, B.C. V6X 2W9.

R E P O R T

1.0 SUMMARY

This report presents for Council's consideration five resolutions proposed to be presented at the 1990 U.B.C.M. Convention requesting amendments to the Municipal Act and/or other provincial legislation/policies concerned with:

- development cost charges for "soft" services and amenities
- rental tenure land use control

- recycled content and procurement of manufactured goods
- regulating the expansion of existing hazardous industries
- municipal authority to enact standards of maintenance bylaws

The report also provides a brief status of those active resolutions previously adopted by Council and the U.B.C.M., but which have not yet been addressed by Provincial legislation. The report also reviews a previously submitted resolution concerning the inclusion of the cost of off-street parking in the rent structure of multiple family dwellings and concludes that in the light of findings from a recent parking survey undertaken by the Municipality that this resolution should not be resubmitted at this time.

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## 2.0 NEW RESOLUTIONS FOR THE 1990 U.B.C.M. CONVENTION

### 2.1 Development Cost Charges for "Soft" Services and Amenities

At its meeting of 1990 March 12, the Municipal Council requested that a resolution be prepared seeking Municipal Act amendments regarding the collection and use of development cost charges for "soft" services and amenities.

This request resulted from a recognition that Municipalities are facing increasing pressure to ensure child care facilities and other social amenities are available to serve the needs of their populations. The demand for these facilities and amenities increases as local populations grow and physical development proceeds. There is a growing view amongst Municipalities that developers should contribute their "fair share" towards the community costs associated with their developments. At present, Municipalities have authority to assess development cost charges on new developments for certain "hard" services such as roads, sewers and parkland acquisition that are outlined in Section 985 of the Municipal Act. Authority does not exist to collect development cost charges for use in establishing needed social amenities. Instead, Municipalities must fund the required facilities or amenities themselves or rely on other government, non-profit or commercial bodies to do so. Concern exists that needed facilities are not being provided given the existing strain on the resources of Municipalities and external agencies.

#### Resolution

WHEREAS Municipalities have authority under Section 985 of the Municipal Act to assess development cost charges for "hard" services, but do not have this authority for raising funds for needed "soft" services and amenities such as child care facilities and community meeting space,

AND WHEREAS Municipalities have limited resources for funding establishment of needed facilities and social amenities to serve newly developing or redeveloping communities, and it is recognized that developers should contribute their fair share towards the complete range of facility and service requirements generated by their developments,

THEREFORE BE IT RESOLVED that the Minister of Municipal Affairs be requested to amend Section 985 of the Municipal Act to authorize Municipalities to collect development cost charges for child care facilities and other social amenities as deemed necessary by the municipality.

## 2.2 Rental Tenure Land Use Control

The subject of the supply, affordability and adequacy of the rental housing stock has been a continuing and growing concern of the Housing & Civic Development Committee and the Municipal Council. It is realized that despite the obvious need for new rental housing in the Municipality, as shown by low vacancy rates and increases in average rent levels, there has been virtually no new private market rental construction in about five years; private market multi-family development has been condominium tenure. While an estimated 25 percent to 30 percent of condominium units are rented, this type of arrangement tends to lack the security of tenure and long term addition to the housing stock that a purpose built rental development provides.

Municipal Council, staff and the Housing & Civic Development Committee have discussed strategies to promote the development of rental housing, such as increasing the density for rental buildings or designating land for the development of rental housing in development plan areas. However, since the Municipality does not have control over tenure as part of its land use regulatory power, such measures are presently not possible to effectively implement. This problem is partially related to the lack of authority of Municipalities to approve or not approve strata titling of new and unoccupied buildings. While covenants are sometimes used to restrict buildings to rental tenure, there is no assurance that such covenants are legally binding.

In 1989, the Ministry of Municipal Affairs started a program that offered Municipal Incentive Grants of up to \$2500 for each unit of rental accommodation approved by local government. For the most part, this program has not been effective in metropolitan areas since Municipalities are unable to effectively ensure that the units will remain within the rental housing stock.

If local government is to play a role in the encouragement of new, rental housing to help meet an increasing need, it is necessary that Municipalities be given the legislative authority to regulate land use on the basis of tenure.

### Resolution

WHEREAS there is a need to encourage the development of new rental housing to meet the needs of current and future residents in Municipalities, and that many Municipalities wish to establish policies and programs to encourage the development of rental housing;

AND WHEREAS efforts to promote the development of rental housing at the municipal level are often ineffectual due to the inability of Municipalities to control land use on the basis of tenure,

THEREFORE BE IT RESOLVED THAT the Minister of Municipal Affairs be requested to amend Section 963 of the Municipal Act to authorize Municipalities, if they should so choose, to enact land use regulations that would regulate residential rental tenure through zoning and other measures.

**2.3 Recycled Content and Government Procurement of Manufactured Goods**

Municipalities throughout British Columbia are participating in recycling programs as an important means of reducing the waste stream. However, the long term viability of multi-material recycling programs is dependent on reliable markets for these materials. Regulations requiring manufacturers of products composed of paper, glass, plastic, metal and such other materials (e.g. asphalt, gypsum) to use a certain percentage of recycled materials in their products would help reduce the waste stream and at the same time improve the recycling market for these materials.

Another significant measure that can be taken in expanding the market of recycled products is to ensure that governmental procurement policies give preference to suppliers of products containing recycled materials.

In 1990 February, the Burnaby Municipal Council adopted a resolution regarding the enactment of appropriate legislation and/or policies to encourage the use of recycled materials. Copies of the resolution were forwarded to all Municipalities in British Columbia as well as to provincial and Federal officials. To date, the response has been very supportive together with requests that this matter be forwarded as a resolution at the 1990 U.B.C.M. Convention.

**Resolution**

WHEREAS residents of the Lower Mainland and British Columbia are demanding that local governments implement comprehensive multi-material recycling programs as a means of reducing the waste stream;

AND WHEREAS the processing and marketing of recycled materials is highly susceptible to fluctuations in demand;

THEREFORE BE IT RESOLVED that the Provincial Government of British Columbia enact appropriate legislation to require manufacturers of products composed of paper (including newsprint), glass, plastic, metals and other such materials (e.g. asphalt, gypsum) that may be reclaimed from the waste stream, to include a suitable percentage of recycled materials in their products;

AND BE IT FURTHER RESOLVED that the Provincial Government of British Columbia enact appropriate legislation and/or policies requiring all governmental agencies, including but not limited to provincial ministries, crown corporations, regional districts, municipalities, school districts, universities, colleges, hospitals and other public institutions, to give preference to suppliers of goods and materials that include a suitable component of recycled materials in their products.

**2.4 Regulating the Expansion of Existing Hazardous Industries**

Population growth in the inner urban areas of the region has resulted in increased conflicts between residential/recreational and certain industrial land uses. For many years, hazardous industries and facilities have existed on large, pre-zoned parcels of industrial land that have experienced the full spectrum of urban growth in the adjacent hinterland.

Municipalities have been unable to regulate the incremental growth of these industries as they expand their facilities to respond to changes in markets (e.g. from domestic to international) or to take advantage of new technology. Municipalities require additional regulatory authority within Section 963 of the Municipal Act in order to manage the risk associated with the continuing growth of large, hazardous industrial facilities located in heavily populated urban areas and to maintain an acceptable balance of land uses.

#### Resolution

WHEREAS population and urbanization in some areas have resulted in increased potential risks and conflicts between residential/recreational and certain existing industrial land uses;

AND WHEREAS Municipalities have limited authority to regulate the expansion of hazardous industries located on large, pre-zoned parcels of land;

THEREFORE BE IT RESOLVED that Section 963 of the Municipal Act be amended to enable Municipalities to establish criteria to control the scale and size of hazardous industrial operations situated on pre-zoned industrial sites.

### 3.0 RESUBMISSION OF PREVIOUS SUBMISSIONS

#### 3.1 Municipal Authority to Enact Standards of Maintenance Bylaws

A resolution concerning municipal authority to regulate minimum standards of maintenance was introduced by the Municipality of Burnaby last year but was not endorsed at the U.B.C.M. Convention. A concern was expressed that if endorsed, local government would be taking on a provincial responsibility which many felt it should not.

Throughout the last year, both Council and the Housing & Civic Development Committee have heard from an increasing number of tenants regarding issues related to inordinate increases in rents and difficulties in getting basic repairs completed. With respect to cases where repair or maintenance problems are the issue, tenants must use the arbitration service of the Residential Tenancy Branch to get an order requiring the landlord to meet his or her obligations. This process involves payment of a \$35 fee and attendance at hearings. Obviously, such a process works against the ability of having repairs completed in a timely and efficient manner.

It has been suggested by tenants, the Tenants Rights Coalition and staff at the Residential Tenancy Branch that a locally enforceable by-law that regulates minimum standards of maintenance would be useful in assuring appropriate living standards in rental accommodation, and assisting the timely completion of basic repairs. With such a by-law, tenants could contact municipal authorities for inspection and enforcement of the minimum standards.

However, the ability to enact a by-law to regulate minimum standards of maintenance is not within the authority of Municipalities. Therefore, it is considered appropriate and timely to resubmit a resolution concerning the above to the U.B.C.M. Convention requesting the Ministry of Municipal Affairs to grant the appropriate authority through an amendment to the Municipal Act.

Resolution

WHEREAS it is desirable that Municipalities actively provide for the promotion of safety and acceptable minimum living conditions in their developing and existing residential neighbourhoods;

AND WHEREAS it is desirable that Municipalities be given the opportunity to establish, by by-law, minimum standards of maintenance for buildings in their community to assist in assuring appropriate living conditions for tenants in rental buildings, and to assist such tenants in having basic repairs completed in an efficient and timely manner;

THEREFORE BE IT RESOLVED THAT the Minister of Municipal Affairs be requested to introduce necessary amendments to the Municipal Act to authorize Municipalities, if they so choose, to enact by-laws establishing and regulating minimum standards of property maintenance for residential rental buildings.

4.0 STATUS OF ACTIVE PAST RESOLUTIONS

The following provides an update of active past U.B.C.M. Resolutions forwarded from the Municipality of Burnaby for the information of Council.

**4.1 Provision of Compensation to Municipalities for Street Closures**

Endorsed by the U.B.C.M. in 1979 and 1983, this issue was brought up for reconsideration in 1987 at the Premier's Conference on Decentralization. A proposal to assign Municipalities title to municipal roads and allow road abandonments at the discretion of Municipal Councils remains in the hands of the Ministry of Municipal Affairs for implementation.

**4.2 The Broadening of the Definition of the Term "All-Terrain Vehicle" in the All-Terrain Vehicle Act**

This resolution was endorsed by the U.B.C.M. in 1983, 1984, 1985 1986 and 1987. U.B.C.M. staff have advised that a submission is being prepared for Cabinet recommending that all all-terrain vehicles be registered and that new enforcement regulations be introduced.

**4.3 Provision of Sprinklers in New Buildings Over Three Storeys in Height and 6,500 Square Feet in Area**

The U.B.C.M. has endorsed a number of resolutions on the subject of the installation of sprinkler systems in most buildings with the latest being in 1987. The Ministry of Municipal Affairs at that time indicated that it was prepared to examine the question of providing authority to Municipalities to require installation of sprinklers in most buildings. It was further noted that a review of the National Building Code was underway to examine the desirability and feasibility of requiring sprinkler systems. If this were to be done, it could be the appropriate means to address the request.

The proposed amendments to the 1990 National Building Code have been released and no provision has been incorporated requiring sprinklers in most buildings. The Provincial Government will be undertaking a review of the B.C. Building Code over the next several months with the assistance of a number of advisory groups including the Building Safety Advisory Council reporting on provincial and building and fire safety regulations. This will provide an opportunity to put forward recommendations concerning sprinklers in all new residential buildings, although the B.C. Building Code is largely based on the National Building Code. The Fire Chiefs Association has been pursuing this issue with the Ministry of Municipal Affairs with the support of the U.B.C.M.

Staff will monitor the code review process and report back to Council as necessary. The outcome of this process has a close bearing on the ability of the Municipality to enact a Sprinkler Bylaw as was the subject of a previous report to Council on 1989 October 30.

#### 4.4 Strata Plans for New and Unoccupied Buildings

Burnaby sponsored resolutions on this matter in 1983 and 1987 which attempted to ensure that municipal by-laws are not made ineffectual by excluding municipal approval of strata applications for new and unoccupied buildings. Municipal staff have been advised that this matter remains under active consideration by the Ministry of Finance and Corporate Relations.

#### 5.0 NON-ACTIVE RESOLUTION: INCLUSION OF THE COST OF OFF-STREET PARKING IN THE RENT STRUCTURE OF MULTIPLE FAMILY DWELLINGS

A resolution concerning the above was first introduced by the Municipality in 1972 and last endorsed by the U.B.C.M. Convention in 1985. It was resubmitted to the U.B.C.M. in 1988 and 1989 but was not endorsed. Material from the U.B.C.M. indicates that it was felt that the requested policy change would increase the rent to tenants and would not provide a solution to the parking problem.

The basic intent of this resolution was to address on-street parking congestion being experienced in apartment areas by encouraging the full use of available on-site parking which in the past had not been fully utilized in view of additional parking fees charged for these spaces over and above the monthly unit rent.

#### Recent Findings

The Planning & Building Inspection Department recently undertook two parking surveys. One in the Manchester Drive area involved a survey of four multiple family apartment developments (519 units). This determined that all available on-site parking spaces are being fully utilized by the residents. Another survey involved 758 condominium owners and renters (including co-operatives) throughout the Municipality. This survey provided the following information:

- 98 percent of vehicle owners were provided at least one parking space
- 85 percent of the 700 vehicle owners parked their first (or only) vehicle within their development over 80 percent of the time rather than on the street
- 31 percent pay for parking -- of these, 86 percent pay for one space (usually for a second parking space) and 80 percent pay \$15 per month or less.

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The findings from these recent surveys has demonstrated that there is not a significant inventory of unused on-site parking spaces in multiple family developments. As such, a primary factor in initiating the desire to have parking fees incorporated within the rent structure to ensure full utilization of available off-street parking appears less relevant in today's terms. It is therefore the view of staff that the previous resolution concerning this matter should not be resubmitted at this time.

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A.L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION

JSB/mcb

cc: Municipal Solicitor  
Director Engineering  
Fire Chief  
Chief Building Inspector  
Director Finance