



Item .....
Meeting ..... 2015 March 9

## COUNCIL REPORT

**TO:** CITY MANAGER **DATE:** 2015 February 25

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

**SUBJECT:** 2015 LMLGA AND UBCM RESOLUTION

**PURPOSE:** To present a resolution for submission to the 2015 Lower Mainland Local Government Association (LMLGA) Annual General Meeting and Union of BC Municipalities (UBCM) Convention.

**RECOMMENDATIONS:**

1. **THAT** Council endorse the resolution outlined in Section 2.0 of this report for submission to the 2015 LMLGA Annual General Meeting and UBCM Convention.
2. **THAT** staff be authorized to forward a copy of this report, accompanied by any applicable background reports and information, to the LMLGA and to the UBCM, both located at Suite 60, 10551 Shellbridge Way, Richmond, BC V6X 2W9.
3. **THAT** copies of this report be forwarded for information to: Burnaby MLAs and MPs.

**REPORT****1.0 INTRODUCTION**

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

This report presents one new resolution for Council's consideration as a submission to the 2015 LMLGA Annual General Meeting (AGM) and UBCM Convention. The deadline for submissions to the LMLGA AGM, which will take place from 2015 May 6 – 8 in Harrison Hot Springs, BC, is 2015 March 20. The UBCM Convention will take place from 2015 September 21 – 25, in Vancouver, BC. The deadline for any resolution submissions made directly to the UBCM is 2015 June 30.

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For the convenience of Council, this report also details the Provincial response to resolutions previously approved by Council and submitted to the LMLGA AGM and the UBCM Convention in 2014 and 2013.

## 2.0 2015 LMLGA AND UBCM RESOLUTIONS

This section provides background information on one new resolution that has been developed for Council's consideration and possible submission to the 2015 LMLGA AGM and the UBCM convention. The resolution is presented in the context of its significance to local governments in British Columbia, including Burnaby.

### 2.1 Resolution: Reinstate the Long Form Census

In the lead-up to the 2011 National Census<sup>1</sup>, the Federal government eliminated the mandatory long form census and replaced it with a voluntary National Household Survey. In previous censuses, the mandatory long form was sent to one in five Canadian households. In the 2006 Census, a completion rate of 94% was achieved for the mandatory long form. In 2011, despite the voluntary long form being sent to one in three Canadian households, an average completion rate of only 68% was achieved. Statistics Canada reported that in some communities the response rates dropped to 25% or lower. The Federal policies that have lead to these low response rates have drawn the criticism of numerous respected national organizations including the Canadian Institute of Planners, the Canadian Medical Association, the Canadian Sociological Association and the Canadian Economics Association.

Council has previously expressed its concern over the elimination of the long form census, including a motion passed at its meeting of 2010 July 26 requesting the Federal Minister of Industry to reverse the decision and calling upon relevant Provincial authorities to also make this request.

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

Burnaby staff typically analyze census data at the City, town centre and neighbourhood level. However, the low response rate in some Burnaby dissemination areas makes analysis at any geography smaller than the city level unreliable. Accurate data is invaluable to all departments of the City. As well, residents, businesses and community groups regularly request census data at the neighbourhood level for planning and decision-making purposes.

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<sup>1</sup> National Censuses are managed by Statistics Canada, the national statistics collecting and keeping body. The Federal Ministry of Industry oversees Statistics Canada. The current Minister of Industry is the Honourable James Moore.

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Concerns also exist that the voluntary data collected is likely to under-represent those most vulnerable in Canadian society thus impacting applicable policy/program development and effectiveness monitoring. It is timely to request the reinstatement of the long form census now, in order for the long form to be used for the upcoming 2016 census. As such, the following resolution has been developed for Council's consideration:

***RESOLUTION: Reinstate the Mandatory Long Form Census***

**WHEREAS** the elimination of the mandatory long form census has negatively affected the quality of statistical data available;

**AND WHEREAS** local governments are particularly affected by this change given that the data is increasingly unreliable at the local and neighbourhood level;

**THEREFORE BE IT RESOLVED** that the Union of BC Municipalities call on the Federal Government, through the Federation of Canadian Municipalities, to reinstate the mandatory long form census for the 2016 national census.

**3.0 STATUS OF ACTIVE 2014 RESOLUTIONS**

**3.1 Resolution: Comprehensive Pipeline and Energy Transport Plan for Urban Areas and Resolution: The National Energy Board Public Hearing Process**

On 2013 December 16, Kinder Morgan filed an application with the National Energy Board (NEB) to expand the capacity of the Trans Mountain Pipeline system from 300,000 barrels per day (bpd) to 890,000 bpd. The purpose of the proposed expansion, which is generally referred to as the Trans Mountain Expansion Project (TMEP), is to develop a second pipeline from Strathcona County, Alberta to Burnaby, British Columbia, for the purpose of transporting heavy crude petroleum products (i.e. diluted bitumen) for export to and refinement in external markets (i.e. United States, Asia).

The TMEP poses significant concerns for the City, given the impacts and risks the project would have on Burnaby and its residents, including human health and safety risks, oil spill/accidents risks and emergency response issues, seismic risk impacts, land use impacts, environmental impacts, and socio-economic impacts. At its meeting of 2012 May 28, Council adopted a City Manager's report which included a recommendation that Burnaby oppose the proposed Kinder Morgan Trans Mountain Pipeline (TMPL) expansion through Burnaby. Given the scope and extent of potential public safety and environmental impacts, the City filed for and obtained Intervenor status, opposing the proposed TMEP.

Council subsequently approved a resolution on 'comprehensive pipeline and energy transport' at its meeting of 2014 March 10. In addition, Council approved a related emergency resolution on the 'national energy board public hearing process' at its meeting of 2014 August 25.

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The former resolution articulated concerns with impacts of the project upon Burnaby and other communities, and called for the development of a national, comprehensive pipeline and energy transport plan to inform the construction of any pipelines. This resolution was forwarded by the LMLGA where it was approved, but it was not endorsed by the UBCM.

The latter resolution was forwarded to the UBCM after the regular deadline had passed and was thus categorized as an 'emergency' submission. The resolution detailed gaps in the National Energy Board (NEB) hearing process, and recommended that the right of intervenors to participate in oral hearing and to cross-examine evidence within the NEB regulatory review process be reinstated. The City of Victoria and the City of Vancouver also submitted related emergency resolutions. All of these resolutions were endorsed by the UBCM. To date, a formal response on the resolutions from the NEB, or the Provincial or Federal governments, has not been received.

### 3.2 Resolution: Canada Post

At its meeting of 2014 February 17, Council approved a motion contained in a report regarding the suspension of Canada Post's home delivery service. This report provided, for Council's information, a broad overview of the major identified issues and impacts of the Canada Post service delivery change and its specific implications for the City of Burnaby and other local governments. These issues include the lack of consultation with the public and local governments; mail security, safety and access for seniors and persons with limited mobility; public notification requirements under Provincial statutes; and issues associated with the location of community mailboxes in urban areas, including the impacts on the operations and legal liabilities for municipalities. Given its importance, a copy of this motion was submitted directly to the Federation of Canadian Municipalities (FCM).

The resolution was endorsed by the LMLGA and is similar to resolutions also submitted to the UBCM by the City of Greenwood and the Township of Langley. Numerous other local governments in British Columbia (e.g. City of Victoria, District of Saanich) and other parts of Canada (e.g. City of Montreal, City of Ottawa) also passed motions regarding the suspension of home delivery service.

The submitted resolution was endorsed by the UBCM and submitted again to the FCM. On 2014 March 9, FCM's National Board of Directors met to discuss the phasing out of home delivery and established three principles<sup>2</sup>, as summarized below, to guide discussions between Canada Post and local governments:

- *Meaningful Consultations:* Given the unique circumstances of land-use planning in each community, Canada Post must work with every local government individually to discuss the location of community mailboxes;
- *Partnerships:* Municipalities must not inherit the mandate of maintaining federally-owned community mailboxes. Either Canada Post must work with local government to develop agreements to maintain related infrastructure or Canada Post must compensate local governments; *and*

<sup>2</sup> For more information visit <http://www.fcm.ca/home/issues/more-issues/community-mailboxes.htm>.

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- **Congruence with Municipal Planning:** Changes to door-to-door mail delivery must align, as much as possible, with local strategies and processes aimed at developing age/disability-friendly communities.

These expectations were directed to Canada Post via formal correspondence. On 2014 April 1, Deepak Chopra, CEO of Canada Post, responded outlining that Canada Post would seek to meet these expectations. FCM has stated that it will continue to work with Canada Post on this transition.

Eleven communities were transitioned to community mail-boxes during 2014 Fall including some neighbourhoods in Calgary, Winnipeg, Halifax and Kanata and the whole communities of Bois-des-Filion, Rosemere, Lorraine, Charlemagne, Repentigny, Oakville, and Fort McMurray.

In a recent development on the matter, the Canadian Union of Postal Workers has been joined by seniors groups and organizations serving persons with disabilities to launch a legal challenge to the suspension of home delivery service. This challenge was filed with the Federal Court of Canada in 2014 October.

In addition, some local governments, such as the City of Hamilton, are investigating the use of local bylaws to regulate the installation of community mailboxes on City-owned lands. Given Canada Post's current ability, as per the *Canada Post Corporation Act, Mail Receptacles Regulations (SOR/83-743)*, to site infrastructure related to mail collection, delivery or storage in any public place, it is unclear if these emerging efforts will be successful.

Staff will continue to apprise Council of any related updates on this matter including the outcomes of any of the current initiatives on this matter.

### 3.3 Resolution: Coal Exports

At its meeting of 2014 January 13, Council approved a motion opposing the proposed expansion of coal shipment facilities at the Fraser Surrey Docks and Neptune Terminals. This resolution was endorsed by the LMLGA, and was similar to another resolution submitted to the UBCM by the Sunshine Coast Regional District. The District was identified as the final sponsor and the resolution was endorsed by the UBCM. The resolution called for the naming of an appropriate federal and/or provincial agency to be named to monitor rail transport, barge transfer and transport of thermal coal over coastal waters to ensure oversight and implementation of environmental and health protection measures.

One component of the issues raised by this resolution is being investigated by the Federation of Canadian Municipalities Municipal Rail Safety Working Group, which includes representation from the UBCM and other regional bodies across Canada. Transport Canada, partially in response to recommendations stemming from this working group, has announced a series of new rail safety measures in 2013 and 2014. However, these new measures focus largely on general safety procedures, and are not specifically related to the transport of coal.

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Also in 2014, Transport Canada and the BC Safety Authority (BCSA) initiated the development of a Provincial Committee on Rail Safety Public Outreach. Membership of the body also includes CN Rail, CP Rail, Burlington Northern Railway, Via Rail Canada, Operation Lifesaver, and the Union of BC Municipalities. The UBCM is represented on this body by UBCM President, Burnaby Councillor Sav Dhaliwal.

Among other initiatives underway, in the spring of 2014, the Committee hosted events in recognition of Railway Safety Week. As well, the committee is working to identify the top 10 most hazardous railway crossings in the province, to prioritize for future action. This list will be made available later in 2015.

### 3.4 Resolution: Housing Crunch

At its meeting of 2014 February 3, Council adopted a resolution pertaining to the Federation of Canadian Municipalities' (FCM) 'Fix Canada's Housing Crunch' campaign and the accompanying call for a Federal government-led credible long-term housing plan.

This resolution was endorsed by the LMLGA and was similar to resolutions also put forward by the City of Port Moody, the City of Richmond, and the City of Prince George. All four municipalities, including Burnaby, co-sponsored the resolution at the UBCM convention where it was endorsed and forwarded to the FCM. The UBCM Resolution Committee noted at the time that member municipalities had consistently been calling for a national, long-term housing plan. The City of Burnaby first submitted a housing-related resolution to the UBCM in 1990.

Accordingly to information from the FCM, 180 member municipalities, representing approximately 60% of Canada's population, passed resolutions on this matter. The FCM campaign remains open and housing a priority advocacy issue for the organization. No response from the Federal government has yet been received. Staff will continue to monitor any progress on this issue, and will report back to Council accordingly.

### 3.5 Resolution: National Dementia Strategy

At its meeting of 2014 February 17, Council adopted a resolution regarding *Bill C-356, An Act Respecting a National Strategy for Dementia*. This Act references the need for a national dementia care strategy. According to the Canadian Medical Association (CMA), Canada is the only country among the G8<sup>3</sup> not to have such a strategy in place. This bill is proceeding through Parliament and received second reading on 2014 December 10.

The Honourable Rona Ambrose, Federal Health Minister, participated in a G8 summit focusing on dementia in 2013 December. As a product of the convention, the World Dementia Council was formed. The council aims to stimulate innovation, development and commercialization of life enhancing drugs, treatments and care for people with dementia. Canada is represented on the

<sup>3</sup> The G8 is a forum for governments from eight of the world's largest economies including Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, the United States, and the European Union.

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Council by Dr. Yves Joannette, Scientific Director of the Canadian Institute of Health Research, Institute of Aging. The Council met for the first time in 2014 April. Canada and France co-hosted the Second Global Dementia Event in Ottawa in 2014 September. Results of the event included a list of proposed approaches for the development and support of joint public-private, international approaches to dementia research. These will be considered by the World Council and future direction determined in 2015.

### 3.6 Provincial Social Policy Framework

At its meeting of 2014 May 26, Council adopted a resolution supporting a call by Board Voice for a 'Social Policy Framework for British Columbia'. Board Voice is a provincial network of Executive Directors and others in leadership positions within the social service sector. A Social Policy Framework would set out strategies for coordination across relevant ministries, sectors, government, non-profits and the business community to improve social capital.

This resolution was similar to ones put forward by the City of Duncan, the City of Vancouver, the District of North Vancouver and the City of Nelson. All five municipalities, including Burnaby, co-sponsored the resolution, which was endorsed by the UBCM. During discussion, some member municipalities questioned whether a provincial framework of this nature might impact a local government's own ability to set social policy. No response to the resolution from the Provincial government has yet been received.

## 4.0 STATUS OF ACTIVE 2013 RESOLUTIONS

### 4.1 Resolution: Reduce Liability for Local Government in Conducting Building Inspections

At its meeting of 2013 March 19, Council passed a resolution seeking updates to the *Negligence Act* to move from a system of joint and several liability<sup>4</sup> to a system of proportional liability, under which defendants would be responsible for any financial judgments only to the degree to which they contributed to any damages.

This resolution was in response to *Bill 34*, which updated the *Limitation Act* and went into effect 2013 June 1. The updated *Limitation Act* contains several key reforms relevant to local governments including decreasing the ultimate limitation period for filing a claim to 15 years from 30 years, introducing a single, two-year basic limitation period<sup>5</sup>, and changing the initiation of the ultimate limitation period from an 'accrual' model to a model that 'starts the clock running' on the 15 year ultimate limitation period from the occurrence or omission that gives rise to a potential

<sup>4</sup> Under the current system of joint and several liability, if two or more defendant parties are found liable for damages, the winning plaintiff may collect the entire financial judgment from any one of the parties, or from the parties in combination, until the payment is complete. In other words, if one of the defendants is unable to pay an equal share of the judgment, the other defendant becomes liable for the remaining share.

<sup>5</sup> Starting from when a plaintiff realizes that they have the right to bring a legal claim, for most civil legal actions within the 15 year ultimate limitation period. Exceptions are the enforcement of monetary judgements, which continue to have a 10-year limitation period, and any statutes that set their own limitation periods: <http://www.ag.gov.bc.ca/legislation/limitation-act/2012.htm>.

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claim. The resolution recognized these improvements, while still advocating for the additional changes noted above.

The resolution was endorsed at the UBCM and is similar to three previous resolutions submitted by Burnaby (2007-B2, 2008-B2, and 2009-B56). No Provincial answer further to that received in Spring 2014 has been received. This response, received from the Ministry of Community, Sport and Cultural Development, stated that such an “approach would result in a shift of liability to one set of parties (professional architects and engineers) for a broader spectrum of possible building faults than is currently contemplated in s. 290 of the *Local Government Act*.”

#### **4.2 Resolution: Ensure Sustainability of Canada’s Existing Social Housing Stock**

This resolution, approved by Council at its meeting of 2013 March 18, references the approximately 36,400 social housing units in Metro Vancouver (with approximately 4,984 located in Burnaby) managed under operating agreements with the Provincial and Federal governments that are set to expire over the next twenty years. In many instances, the expiration of these operating agreements will have significant impacts on housing providers and resident tenants. Foreseen impacts include higher average rents, a reduced number of deeply subsidized units, and/or a net loss of more affordable units.

In 2014 April 28, Council also stated its support for the Co-op Federation of B.C.’s 2014 ‘You Hold the Key: Fix the Coop Housing Crunch’ campaign, which references these issues.

On 2013 November 21, the Canadian Mortgage and Housing Corporation announced that social housing providers whose operating agreements allow for the establishment of a Subsidy Surplus Fund (SSF)<sup>6</sup> can now retain any money they may have in this fund to use after their operating agreements mature. These funds, though in most cases not extensive, can be used to continue to lower the cost of housing for low-income households living in existing social housing. According to BC Housing, approximately four non-profit managed housing projects in Burnaby will be affected by this announcement.

In addition, BC Housing and the B.C. Non-Profit Housing Association have developed a joint work program on the expiration of operating agreements in B.C. To date, work has focussed on ‘mapping’ the issue including identifying key issues and opportunities. Efforts currently underway are focused on developing tools to assist housing providers and residents with planning for the expiry of operating agreements. Key findings suggest that approximately one third of applicable housing projects in B.C., particularly those with a higher percentage of subsidized units and those run by smaller operators, will require some supportive action in remaining viable through transition.

Staff will keep Council apprised of any specific actions pertaining to Burnaby that emerge from this work plan. Further response from the Provincial or Federal government(s) has still not been received.

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<sup>6</sup> Subsidy Surplus Funds are a component of some operating agreements entered into between CMHC and non-profit housing providers. The Fund is established by housing providers so that they can retain unused Federal funding, up to a certain limit, to lower rents for low-income households.



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## 5.0 SUMMARY AND CONCLUSION

This report proposes one new resolution for submission to the 2015 LMLGA Annual General Meeting and UBCM Convention. The report also provides an update on resolutions submitted in 2014 and 2013 to the LMLGA, the UBCM and the Federation of Canadian Municipalities.

It is recommended that Council endorse the new resolution, as outlined in Section 2.0 of this report for submission to the 2015 LMLGA Annual General Meeting and UBCM Convention. It is also recommended that staff be authorized to forward a copy of this report, accompanied by supporting background reports and information, to the LMLGA and the UBCM. Finally, it is recommended that a copy of this report be circulated to all Burnaby MLAs and MPs for information.

Any additional resolutions which may come forward subsequent to this report, and prior to the 2015 June 30 UBCM deadline, may be submitted directly to the UBCM for possible consideration at the 2015 UBCM Convention.



Lou Pelletier, Director  
 PLANNING AND BUILDING

RM:sla:sa

cc: Deputy City Managers  
 Director Engineering  
 Director Finance  
 Director Parks, Recreation and Cultural Services  
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 Chief Building Inspector  
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