

**DISTRICT OF NORTH VANCOUVER
PUBLIC HEARING**

Amendments to the Zoning Bylaw for Enforcement Purposes

REPORT of the Public Hearing held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Tuesday, February 13, 2018 commencing at 7:06 p.m.

Present: Mayor R. Walton
Councillor M. Bond
Councillor J. Hanson
Councillor R. Hicks

Absent: Councillor R. Bassam
Councillor D. MacKay-Dunn
Councillor L. Muri

Staff: Mr. D. Milburn, General Manager – Planning, Properties & Permits
Ms. L. Brick, Deputy Municipal Clerk
Ms. A. Reiher, Confidential Council Clerk

District of North Vancouver Rezoning Bylaw 1367, (Bylaw 8282)

Purpose of Bylaw:

Bylaw 8282 proposes to amend the Zoning Bylaw by:

- Updating language in Part 12 Enforcement to reference the *Community Charter* and to increase the maximum penalty to \$10,000;
- Adding a new offence in Part 3 General Operative Clauses (s. 302) for “breach of land use other than permitted” for all zones and a new designated expression and maximum MTI fine of \$1,000 to Part 12;
- Adding a designated expression to Part 12 for an existing regulation in section 403A(1)(j) regarding the growing/dispensing of marihuana to enable ticketing with a maximum MTI fine of \$1,000; and,
- Fixing specific housekeeping/clerical errors:
 - Designating expressions section numbers in Part 12 affecting numbering, currently shown as 501.2(a)(ii) and 501.2(a)(iii) a-e;
 - Adding a bracket to letters in the existing section 403(1) i) and j) to continue existing formatting styles; and,
 - Changing “x” to “+” (calculating floor/space ration) in Table 508.2.

1. OPENING BY THE MAYOR

Mayor Walton welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaw as outlined in the Notice of Public Hearing. In Mayor Walton’s preamble he advised that the Public Hearing is being convened pursuant to Section 464 of the *Local Government Act*.

Ms. Linda Brick, Deputy Municipal Clerk, stated that:

- Those wishing to speak will have five minutes to address Council for a first time and should begin remarks to Council by stating their name and address;
- Council is here to listen to the public, not to debate the merits of the bylaw;
- The binder containing documents and submissions related to the bylaw is available on the side table to be viewed;
- At the conclusion of the public input Council may request further information from staff which may or may not require an extension of the hearing, or Council may close the hearing after which Council should not receive further new information from the public; and,
- The Public Hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. INTRODUCTION OF BYLAW BY CLERK

Ms. Linda Brick, Deputy Municipal Clerk, introduced the proposed bylaw stating that Bylaw 8282 proposes to amend the Zoning Bylaw by updating the language in Part 12 Enforcement to the reference in the *Community Charter* and to increase the maximum penalty to \$10,000. Ms. Brick further stated that the bylaw proposes to add a new offence in Part 3 General Operative Clauses (s. 302) for “breach of land use other than permitted” for all zones and add a new designated expression and maximum MTI fine of \$1,000 to Part 12; adding a designated expression to Part 12 for an existing regulation in section 403A (1) (j) regarding the growing/dispensing of marihuana to enable ticketing with a maximum MTI fine of \$1,000. Ms. Brick further stated that the bylaw proposes to fix specific housekeeping/clerical errors by designating an expressions section numbers in Part 12 affecting numbering, currently shown as 501.2(a) (ii) and 501.2(a) (iii) a-e), by adding a bracket to letters in the existing section 403(1) i) and j) to continue existing formatting styles, and by changing “x” to “+” (calculating floor/space ration) in Table 508.2.

3. PRESENTATION BY STAFF

Mr. Dan Milburn, General Manager – Planning, Properties & Permits, provided an overview of the proposed Zoning Bylaw amendments and mentioned that it proposes to:

- Create a new fine for marihuana growing/dispensing to \$1,000;
- Create a new fine for breach to land use provision to \$1,000;
- Increase a maximum fine upon summary conviction to \$10,000; and,
- Other housekeeping amendments.

In response to a question from Council, staff advised that a fine may be issued each day an offence occurs for a cumulative penalty. If a fine proceeds to a court action the District would ask for the maximum allowable penalty under the *Offence Act* and a Provincial Court Judge would determine if the maximum penalty is applicable to the offence and the harm to the public.

In response to a question from Council regarding the practise of issuing a fine, staff advised that the tools used by the District are the Bylaw Notice Enforcement Bylaw, Long Form Information or Supreme Court injunctions.

In response to a question from Council, staff confirmed that the bylaw includes specific offence language to indicate that a fine may be issued on a daily basis.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. Corrie Kost, 2800 Block Colwood Drive:

COMMETING

- Suggested that the language in the bylaw could be improved to reflect the level of responsibility for the violating act; and,
- Expressed concern regarding vague wording in the 'breach of land use other than permitted' section of the bylaw.

5. COUNCIL RESOLUTION

MOVED by Councillor HANSON

SECONDED by Councillor BOND

THAT the February 13, 2018 Public Hearing be closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1367, (Bylaw 8282)" be returned to Council for further consideration.

CARRIED
(7:19 p.m.)

CERTIFIED CORRECT:



Confidential Council Clerk

