

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C., on Tuesday, October 15, 2019 at 7:00 P.M.

We acknowledge that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen-speaking peoples, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair  
Councillor A. Appleton  
Councillor H. Braithwaite  
Councillor C. Green  
Councillor T. Ney  
Councillor E. Paterson

REGRETS: Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela  
Director of Corporate Services, D. Hopkins  
Director of Building and Planning, B. Anderson  
Director of Engineering Services, D. Horan  
A/Director of Financial Services, D. Costin  
Manager of Parks Services, C. Hyde-Lay  
Manager of Planning, D. Jensen  
Superintendent of Public Works, D. Brozuk  
Recorder, A. Nurvo

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:00 p.m.

MINUTES AND REPORTS:

1. Minutes:
  - Council Meeting held September 30, 2019
  - Special Council Meeting held October 7, 2019

MOVED and seconded: That Council adopt the Minutes of the Council meeting held September 30, 2019 and Special Council meeting held October 7, 2019.

MOVED and seconded: That the Motion be amended to amend the Minutes of the Council meeting held September 30, 2019, at Section 9 Other Verbal Reports to strike the words "from staff after the fact".

**CARRIED**

The Question was then called.

**CARRIED**

MAYOR'S REMARKS:

**2. Mayor's Remarks**

Mayor Murdoch acknowledged the recent Tour de Rock and the Victoria Marathon, Oak Bay Constable Sandrine Perry who participated in Tour de Rock, and expressed appreciation for the \$76,000 raised by the Oak Bay High School for children's cancer.

The Mayor advised that he had recently attended a meeting with the Lower Island Mayors, and acknowledged their willingness to work together, including the One City Program discussion, which is a good opportunity for involving the community in climate change initiatives.

PUBLIC PARTICIPATION PERIOD:

**3. Public Participation Period**

Maggie Serpa, Oak Bay resident, advised that she had recently attended an Oak Bay historical walking tour and was very impressed by uniqueness of several buildings, in particular 1558 Beach Drive, that make Oak Bay so unique. She requested that Council consider the beauty of the community when making any decisions.

COMMUNICATIONS:

**4. Tree Protection Bylaw - Application for Reconsideration of Refusal - 1718 Monteith Street**

Manager of Parks Services provided summary of his report and tree proposed to be removed. Parks staff have reviewed and feel it is healthy, not interfering, s. 6.1-11 not applicable, 6.12 fence is not significant structure or improvement, 21.1 reconsideration Council can review staff's interpretation and substitute own decision.

The applicant, Colin Dormuth, reviewed his PowerPoint slides, advised that the property has a fairly large canopy already, the roots of the tree are impacting the shed foundation and fence, sap is dripping onto house, that the tree has been topped and is not growing well. He feels the tree is unsafe, and stated that his neighbours are in support of removing it. He advised that he is planning on replacing the tree with another deciduous tree.

MOVED and seconded: That Council decline the application for reconsideration of refusal for the removal of a spruce tree and its stump at 1718 Monteith Street.

**CARRIED**

**5. Section 57 Notice - 1587 Monterey Avenue**

MOVED and seconded: That pursuant to Section 57 of the *Community Charter*, SBC 2003 C.26, a Notice be registered with the Land Title and Survey Authority against land at 1587 Monterey Avenue, Victoria, BC with a legal description of Lot 11, Block 2, Section 69, Victoria District Plan 919 for failure to comply with the District of Oak Bay Zoning Bylaw 3531 (4.15.1)

**CARRIED**

**6. Section 57 Notice - 2023 Newton Street**

The property owner, Nick Jaquet, addressed Council, and advised that three students who had been living in the downstairs suite have vacated, that he was not using the property as a rooming house, and that he has not done any work to the property since he purchased it.

MOVED and seconded: That pursuant to Section 57 of the *Community Charter*, SBC 2003 C.26, a Notice be registered with the Land Title and Survey Authority against land at 2023 Newton Street, Victoria, BC with a legal description of Lot 6, Block 2, Section 28, Victoria District Plan 1154 for failure to comply with the District of Oak Bay Building Bylaw No. 4247, Zoning Bylaw No. 3531 and the British Columbia Building Code, which contraventions relate to the work without permit.

**CARRIED**

**7. Tender Award - LED Street Light Project 2019**

MOVED and seconded: That Council approve Section I to be awarded to E.B. Horsman for \$43,735 and Section II be awarded to Eecol Electric for \$17,473.20.

**CARRIED**

**8. Tender Award - OBMH 4-2019 Sanitary Sewer and Storm Main Lining**

MOVED and seconded: That the contract for the Sanitary Sewer and Storm Drain Main Lining be awarded to Insituform Technologies Limited in accordance with their tender submission in the amount of \$408,137 excluding GST for 2019.

**CARRIED**

**9. Oak Bay Heritage Commission Minutes**

MOVED and seconded: That Council receive the Minutes of the Heritage Commission meeting held September 10, 2019.

**CARRIED**

**NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:**

**10. New Business & Verbal Reports**

- New Business  
There was no New Business.
- Report on the Capital Regional District  
Mayor Murdoch advised that further information from the CRD relating to housing will be coming to Council and that an inflow and infiltration report will be going to the Core Area Liquid Waste Committee in the near future.
- Other Verbal Reports  
Councillor Paterson advised that she had recently attended the Provincial stakeholder roundtable on a framework for Accessibility legislation, and that the Provincial goal is to have legislation in place by 2020. There are \$2,000 grants available through SPARC BC for hosting community stakeholder meetings. She suggested that this be added for

consideration at the same time as the Housing Plan. Councillor Paterson also advised of two upcoming Heritage lectures: October 16 at 7:00 pm at the Windsor Pavilion on St. Patrick Street, and on October 24 at 2:00 pm at the Oak Bay Library Branch on "The Gift of the Famine."

**BYLAWS:**

**11. Bylaw Memorandum**

- Memorandum - Bylaw Nos. 4737 and 4739

**12. Property Tax Exemption Bylaw**

MOVED and seconded: That Bylaw No. 4737, Property Tax Exemption Bylaw, 2019, be adopted.

**CARRIED**

**13. Heritage Control Period Bylaw - Prospect HCA**

MOVED and seconded: That Bylaw No. 4739, Heritage Control Bylaw, 2019, be given first and second reading.

**CARRIED**

MOVED and seconded: That Bylaw No. 4739, Heritage Control Bylaw, 2019, be given third reading.

**CARRIED**

**ADJOURNMENT:**

**14. Motion to Adjourn to In Camera**

MOVED and seconded: That in accordance with sections 90 (1) (a) of the Community Charter, that the open portion of the meeting of Council be adjourned and that a closed session be convened to discuss personal information about an identifiable individual who holds or is being considered for a position as an officer, employee, or agent of the municipality or another position appointed by the municipality.

**CARRIED**

The open portion of the meeting adjourned at 8:26 p.m.

Certified Correct:

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Mayor

\_\_\_\_\_  
Director of Corporate Services