



Advisory Design Panel Manual

January 2026

* subject to revision

DISTRICT OF
OAK BAY



Table of Contents

Territory Acknowledgment.....	ii
Introduction.....	2
Mandate	3
Functions	4
Membership.....	5
Guiding Documents	6
The Planning Process	10
Roles in the Planning Process	11
Scope of Analysis.....	12
Allan Cassidy Awards	13
Other Planning Considerations	14
Meetings	16
Recommendations	17
Expectations.....	18
Objectivity	19
Conflict of Interest.....	20
Schedule A: APC - Design Panel Bylaw 4772	22
Schedule B: Commission & Committee Policy.....	29
Schedule C: Respectful Workplace Policy	48
Schedule D: Council Code of Ethics	55
Schedule E: Oak Bay Special Powers Act.....	58
Schedule F: Uplands Regulations Bylaw	61
Schedule G: Community Charter Conflict of Interest	66
Schedule H: UBCM Land Use Regulation Fact Sheet	73
Schedule I: UBCM Planning & Procedures Fact Sheet.....	82
Schedule J: Meeting Agenda Template.....	89
Schedule K: Meeting Minutes Template.....	92
Schedule L: Useful Links.....	95
Schedule M: Contact Information	96



Territory Acknowledgment

We acknowledge that the land on which we live and work is the traditional territory of the Coast and Straits Salish Peoples.

Specifically we recognize the Lekwungen Peoples, known today as the Songhees Nation and Esquimalt Nation, and that their historic connections to these lands continue to this day.





About the Advisory Planning Commission -- Design Panel



Introduction



Thank you for volunteering to be a member of Oak Bay's Land Use Advisory Planning Commission -- Design Panel, generally referred to as the Advisory Design Panel (ADP).

The ADP plays an important role in advising Council and helping develop the growth and betterment of our community. The members bring valuable perspective on the quality of design of the built environment in Oak Bay and specifically to provide comments and suggestions to improve the design quality of development applications.

Local government land use planning is regulated quite specifically by Part 14 of British Columbia's Local Government Act. Section 461 of the Act states that a local government may establish an Advisory Planning Commission "...to advise Council on all matters respecting land use, community planning or proposed bylaws and permits under Divisions 4 to 14 of this Part and section 546 that are referred to the commission by the Council." The ADP has been established as an Advisory Planning Commission, with its purpose limited to providing input into the design of proposed developments.

The District of Oak Bay established its first Advisory Design Panel as a Committee of Council in 2015. In 2020, after an extensive review of its commission and committee mandates, Council created two separate Advisory Planning Commissions -- the Advisory Planning Commission--Land Use (APC), and the Advisory Planning Commission--Design Panel (ADP.)

The ADP Establishing Bylaw 4772 was adopted in December 2020. The bylaw is included in this manual as Schedule A. The role and mandate of the ADP are described in detail in the following pages.

While ADP members are sought for the personal skills they bring to the Commission, they are expected to represent the collective desires of the community in their recommendations.

We hope this manual will be helpful to you in your role with the Panel.



Mandate

The mandate of the Advisory Design Panel is clearly laid out in the establishing bylaw for the Commission (Schedule A.) In brief, the ADP's mandate is to provide professional and community advice to assist Council and Staff in evaluating the design merits of select development applications, as well as any other matters referred by Council.

These could include consideration of draft design guidelines or policies to ensure that the form and character of future development is of a high quality and meets the needs of the community.

Specifically, the Advisory Design Panel's Establishing Bylaw 4772 authorizes the Panel:

- a) To evaluate and make recommendations on the design merits of the following types of development applications:
 - i. Uplands Siting and Design applications, relative to the Uplands Design Guidelines (associated with the Uplands Regulations Bylaw, 1987 and the Oak Bay Special Powers Act, 1935 -- see Schedules E and F) and any applicable policies outlined in the Official Community Plan; and,
 - ii. select development applications, relative to the applicable registered design covenants or Development Permit Area guidelines in the Official Community Plan.
- b) To provide input via staff, upon referral from Council, in establishing design guidelines or related policies to ensure that the form and character of future developments are of a high quality and meet the needs of the community.

The Commission is further authorized to review and make recommendations on the Allan Cassidy Recognition of Renovation and Building Achievement Awards, recognizing projects that have demonstrated innovation and high standards in urban and landscape designs.

This document is intended to provide information and context; it is not a legal document

Where there is a conflict between a District bylaw or provincial legislation and this manual, the bylaw or legislation will prevail

The Advisory Design Panel is an advisory body to Council. The Panel has no decision making responsibility or authority and does not establish policy



Functions

The specific functions of the Advisory Design Panel are:

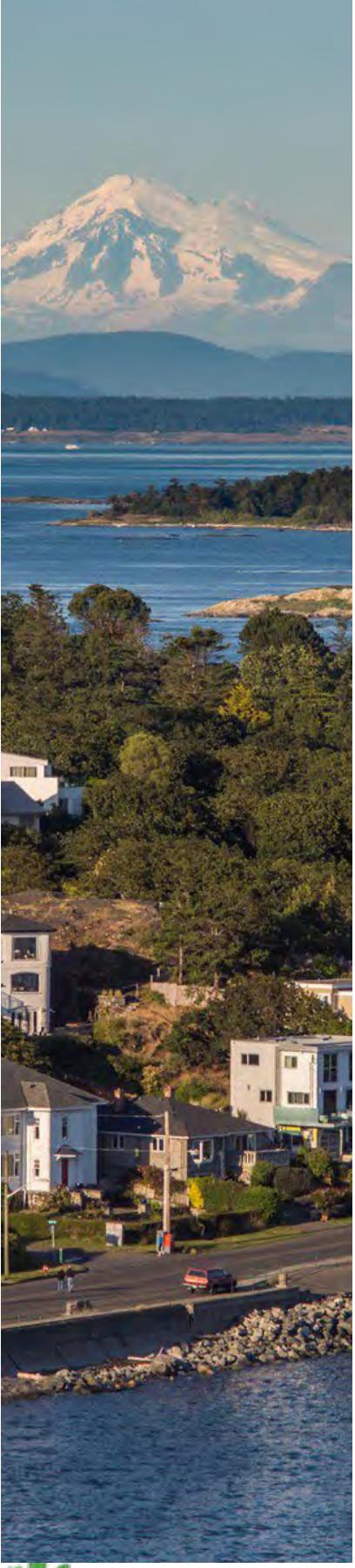
- Respond to issues referred by Council and staff
- Provide advice and recommendations to Council and staff
- Bring a community lens to the table when deliberating matters before the Panel that fall within its mandate
- Provide information or advice to Council or staff on specific issues related to its mandate as requested

As an advisory body to Council, the ADP plays an important role in considering design matters and applications that could have long term impact on our community.

It is therefore critical that members of the ADP, both as individuals and as a collective group, take care to understand the issues at hand and approach matters with an open and enquiring mind when developing recommendations. During discussion and deliberation, you must bear in mind the Panel's mandate as laid out in the Establishing Bylaw 4772, together with legislation, policies and other guidelines such as:

- Oak Bay Official Community Plan
- Zoning Bylaw
- Oak Bay Special Powers Act and Uplands Regulations
- Council Strategic Priorities
- Other relevant legislation or policies





Membership

Volunteering for the ADP is an opportunity for citizens to become actively involved in our community and provide in-depth consideration of planning design issues.

Composition

The Commission is composed of up to five volunteer members appointed by Council. In making appointments, Council seeks to ensure that members represent all parts of Oak Bay, and bring expertise in the following areas:

- Two registered architects of the Architectural Institute of BC
- Three members with expertise in at least two of the following areas:
 - Design
 - Engineering
 - Landscape Architecture

Two thirds of the members must be Oak Bay residents, as required by the Local Government Act. The ADP is rounded out by one non-voting Council member liaison appointed by the Mayor, one staff member liaison and a recorder.

Terms

Members are appointed by Council for one term at a time, generally starting in January. Terms are typically one or two years, as determined by Council. If you wish to serve beyond your initial term, you may apply to be reappointed to the Advisory Design Panel for each additional term, and may serve up to a total of six years. Generally, members who have served the maximum of six years must step away from the Commission for at least one term, unless Council determines that they should be reappointed to meet a need for expertise and/or continuity.

Members appointed by the AIBC serve for a single term although if desired they may apply to remain on the panel as individual members after their AIBC term is over.

If a Commission member resigns before the end of her or his term, Council may appoint a replacement to complete the remainder of the term. If the replacement wishes to continue as a member of the Commission, they would apply for reappointment at the appropriate time.

A member who misses three consecutive Commission meetings except because of illness or as previously approved by Council, is considered to have resigned from the Commission.

Chair and Vice Chair

The Commission has a Chair and Vice Chair, who are elected annually by the Panel members to serve for the current term. The Chair is responsible to manage Commission meetings, and to work with staff to develop meeting agendas. The Vice Chair serves as Chair in his or her absence. The Chair and Vice Chair may serve no more than two consecutive years in the position.

Guiding Documents

Familiarity with the relevant parts of the *Local Government Act*, the District's Official Community Plan and Zoning Bylaw, and the Uplands Design Guidelines (associated with the Uplands Regulations Bylaw, 1987 and the Oak Bay Special Powers Act, 1935) are vital in your role as a member of the ADP.

Local Government Act

Parts 14 and 15 of the BC *Local Government Act* lay out the requirements for local governments to follow in making land use decisions.

Official Community Plan

The Official Community Plan (OCP) represents a vision for the future and is a framework to guide growth and decisions about the use of land and the character of the community. The [OCP](#) and its related [Schedules](#) describe how and where residential, commercial and other types of development will occur; guide the provision of necessary road, water, sewer and other infrastructure; and provide policies for environmental, economic and community well-being.

The broad objectives of Oak Bay's OCP are as follows:

1. Consider increases in density while respecting the values that make Oak Bay an attractive and environmentally rich community
2. Follow the existing patterns of land use in general, considering some expansions of higher density uses in identified areas
3. Support limited and well managed increases in commercial use to support the needs of residents and visitors to the community
4. Plan for well managed growth that adapts to changing population needs.

Development Permit Areas

The OCP also outlines Development Permit Areas (DPAs), which are specific areas that require a Development Permit to be obtained before a Building Permit is issued. While zoning bylaws deal primarily with issues of land use and siting, development permits can address more specifically a wider range of issues for consideration by the ADP, including form and character, landscaping and environmental protection. Each Development Permit Area in Oak Bay has specific associated guidelines that fall within the mandate of the ADP related to massing, site use, landscaping, form and/or character. Development Permit Areas (DPAs) include:

- Watercourses DPA
- Shorelines DPA
- Hazardous Conditions DPA
- Infill Residential DPA
- Multi-Unit Residential DPA
- Commercial and Mixed Use DPA



Zoning Bylaw

The District's principal land use regulatory bylaw, the [Zoning Bylaw](#) divides the area it covers into zones (and can also divide the area above sites into "vertical zones"). For each zone, local government can regulate the use of land, building and structures; the density of use, buildings and structures; the siting, size and dimension of buildings and structures; and the area, shape and dimensions of parcels created by subdivision

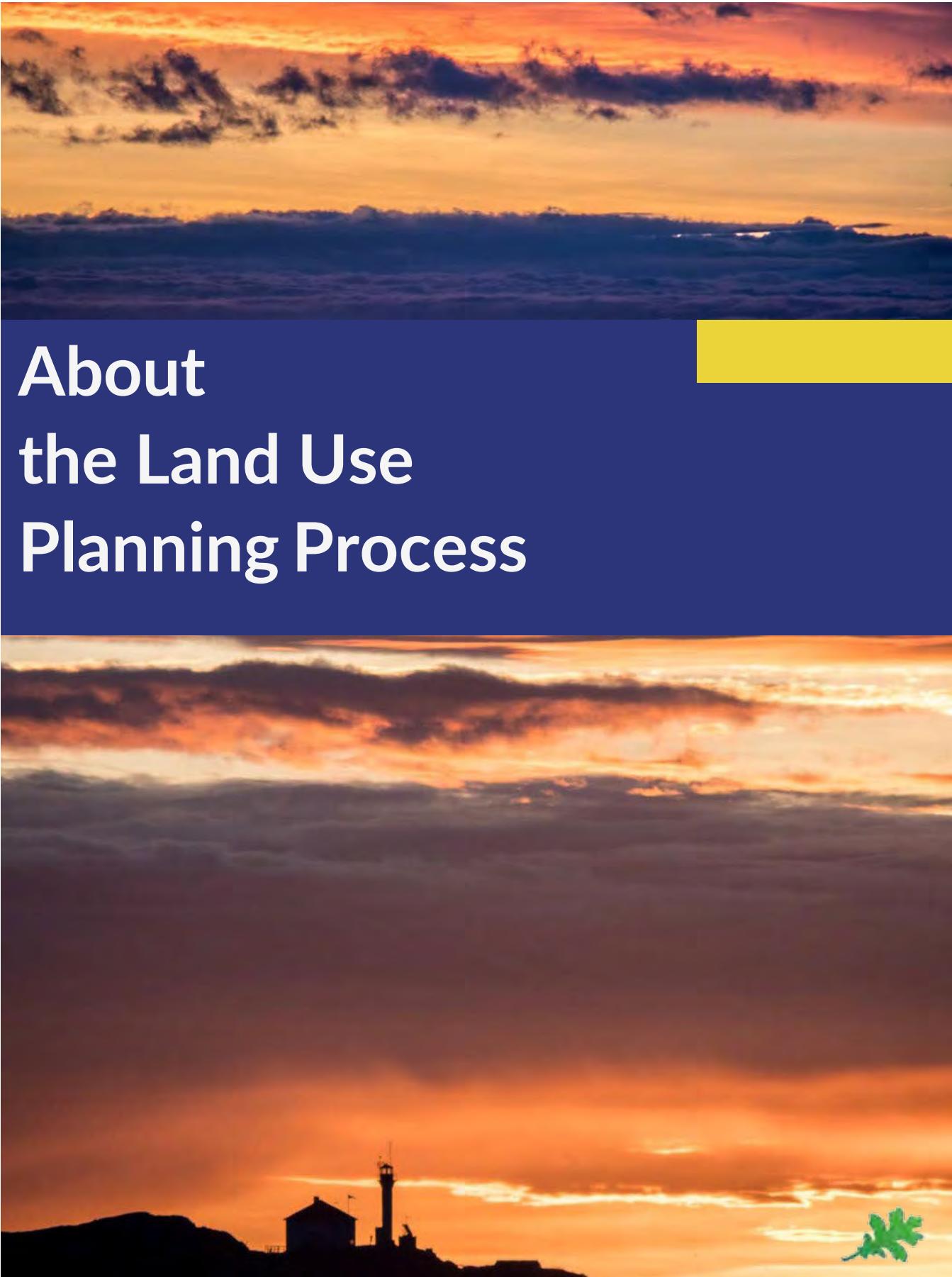
The regulations may be different for different zones, uses within a zone, standards of works and services provided, or siting circumstance. Like uses must be treated similarly within a zone, (e.g., the rules for single family dwellings in the same zone and in similar circumstances must be applied uniformly).

Oak Bay Special Powers Act & Uplands Regulations

The *Oak Bay Special Powers Act* (see Schedule E) is a piece of provincial legislation passed in 1935 that confers specific powers on the District of Oak Bay related to regulation of development in the Uplands. Many of the proposals that come before the ADP are "*Uplands Siting and Design Applications*". The Panel will be considering these applications within the context of the *Act* and the related *Uplands Regulations* (see Schedule F.)







About the Land Use Planning Process

The Planning Process

Land use planning means the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities.

Good planning involves many elements and stages that bring together people, communities and the environment. In addition, sustainability is a key principle in local land use planning.

The work of the Community Building and Planning Services Department staff, and by extension, the work of the ADP, is guided by Council-approved policy. Well defined and thoughtful planning objectives and policies provide the public, business owners, and other stakeholders a high degree of certainty for the future. Oak Bay's planning and land use objectives are articulated in the Official Community Plan and reflected in our Zoning Bylaw and other bylaws and policies related to land use such as parking and signage.

Planning decisions play a critical role in addressing municipal issues. While they address land use, they also influence:

- Social and community services
- Local economic capacity
- Transportation and infrastructure

The work of the ADP in considering form and character, siting, massing and landscaping of proposed developments or renovations is guided by relevant schedules in the Official Community Plan and the District's Development Permit Area regulations.



Roles in the Planning Process

Council

Council is the ultimate decision-making body with respect to adopting and amending the OCP, Zoning and related Bylaws and amendments, and Development Permit Area Guidelines. Council is also the decision-making body when it comes to approving rezoning and development applications and issuing Development Permits and Development Variance Permits. Council appoints one member to serve as the Council liaison on the ADP.

Advisory Design Panel

The ADP has the responsibility of giving advice and acting as a community lens on design and character matters related to development applications. While the ADP's role in planning is advisory, it involves a unique set of responsibilities and is an important part of the land use planning process.

The ADP advises Council on the following:

- New or updated District policies and procedures which relate to the design merits of select development or rezoning applications
- Uplands Siting and Design applications, relative to the Uplands Design Guidelines (associated with the Uplands Regulations Bylaw, 1987 and the Oak Bay Special Powers Act, 1935) and any applicable policies outlined in the Official Community Plan
- Select development applications, relative to the applicable registered design covenants or Development Permit Area guidelines in the Official Community Plan.
- Any other land use planning and development matters that Council refers to the Panel.

Applications are formally reviewed by the ADP following completion of the review process by staff and any other District committees if required.

Staff

Department Staff are the technical experts on land use matters. They work closely with applicants throughout the planning process, and provide comprehensive reports regarding applications that go to the ADP and Council for review.

One department staff member is appointed to the ADP as a staff resource and liaison, and other District staff may attend meetings to provide additional technical advice as needed. The staff liaison also works with the Chair in developing meetings agendas. A staff member will act as recorder and take minutes at the meetings.

The Staff Liaison is the main contact for all Panel members who require information about the Panel itself, contents of an agenda, or other related matters. You are encouraged to reach out to the staff liaison with any questions you may have.



Scope of Analysis

A review of applications and referrals by the ADP is intended to complement the technical review provided by staff. After review and discussion, with assistance and input from staff as appropriate, the ADP will pass a resolution with the appropriate recommendation for Council.

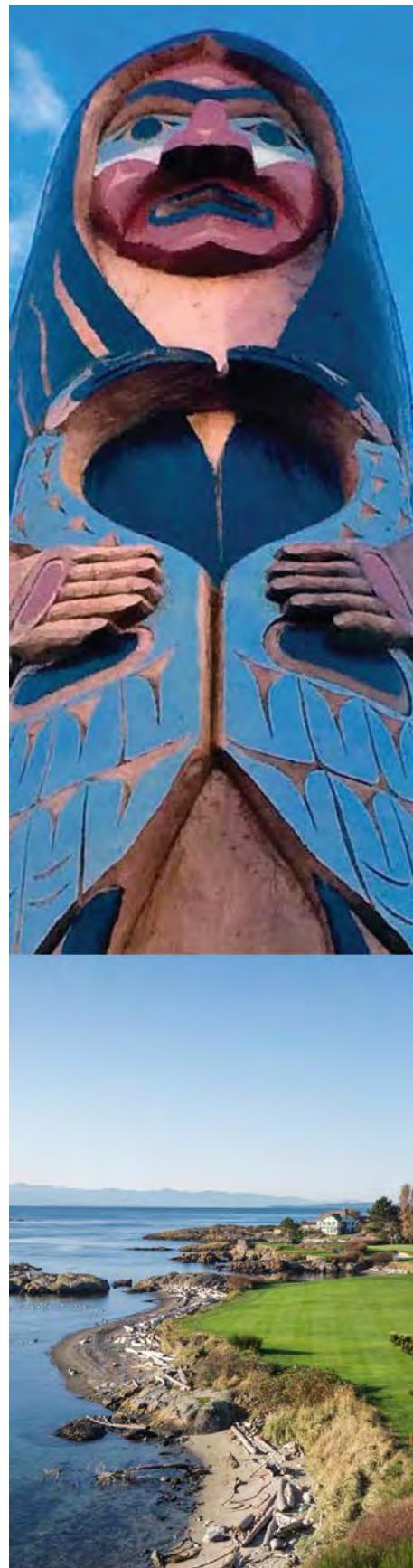
The OCP and staff will provide an outline of specific characteristics that must be considered with respect to form, character, landscaping, massing and siting and any other relevant design considerations.

The Advisory Design Panel will give consideration to the following when reviewing development applications:

- a. Professional critique on the overall design.
- b. The character of the development in relation to adjacent and surrounding development.
- c. The impact of the proposed development upon the subject property, both natural and human-made features, including preservation of natural elements.
- d. The siting of the building(s) and total site development with attention to:
 - Landscaping and common and private recreation and play areas
 - Parking: planning and safety
 - Driveway entrances: safety of grades and sight lines
 - Internal circulation: sidewalks, arrangement and separation of vehicular and pedestrian areas
 - Grade elevations
 - Landscaping maintenance
- e. Building quality with regard to materials and finishes with attention to:
 - Quality and durability of materials
 - Colour and form
 - Durability of design elements

The above points are intended as guidelines to assist Panel members in their deliberations. There may be other considerations brought forward either by staff or by Panel members themselves when reviewing applications.

It is also important for Panel members to remember that other bodies such as the Advisory Planning Commission – Land Use and the Heritage Commission may also be reviewing applications with their own lens. Although the scope of review for the Advisory Design Panel may at times seem rather narrow in the broader scheme of overall land use, it is important to remember that you have been chosen for your professional expertise in relation to the Panel's mandate -- review of the application's design merits.



Allan Cassidy Awards

In 2014, former Oak Bay Councillor Allan Cassidy initiated the Allan Cassidy Awards program (then called the Recognition of Achievement Awards) as a means to recognize notable new buildings and renovations within Oak Bay.

As specified by Allan Cassidy, no specific categories or criteria are to be used in the evaluation of nominees, and “...the recipients would be decided upon as a good faith undertaking by a knowledgeable and caring panel.” Nominated buildings are assessed as viewed from the street and evaluated on their contributions to improving the overall streetscape through their architectural design and integrated landscaping.

When the Panel has determined recommendations for Allan Cassidy Award recipients, they are forwarded to Council, who will determine the final recipients and present the award-winning property owners with a framed hand-drawn sketch of their buildings during a Council meeting. A copy of the framed sketch is additionally hung in Municipal Hall for perpetuity.

There is no requirement for ADP to select an award winner in a given category if the Panel is of the opinion that none are sufficiently worthy. The ADP may additionally select nominees in each category to receive a verbal honourable mention at the award presentation Council meeting if they are deemed to have some design merit worthy of recognition.



Other Planning Considerations

Council Strategic Priorities

Council's strategic priorities for 2019 to 2022 guide policy and action for the District in the current term. It is important for the ADP to take these priorities into account not only when reviewing siting and design applications, but especially when considering other land use matters that Council might refer to the Commission. The priorities, outlined in the diagram, will be achieved by:

- Diverse Housing:** reviewing and planning for community needs while reflecting Oak Bay's unique character
- Achieve Sustainable Service Delivery:** integrating an Asset Management Program with a long-term Financial Plan
- Service Excellence:** optimizing operational effectiveness and fostering public engagement
- Quality of Life:** stewarding the community's history, landscape, culture, and amenities within the context of southern Vancouver Island
- Community Health and Resilience:** committing to economic, environmental, and social sustainability within the District's operations and decision making



Council Decision Making

Advisory bodies like the Advisory Design Panel play a key role in helping Council make decisions for the well-being of the community, along with other important input that contributes to a well-rounded decision-making process. Recommendations from Advisory Bodies and Staff are two of multiple inputs to the decision making process, and Council's decision on a given matter does not always align with their recommendations when multiple other factors are taken into account. This is a foundational piece of understanding that all agents of the District accept with respect and tolerance for sometimes opposing opinions and the complexity of Council's governance and decision making.



Conducting ADP Business



Meetings

Meeting agendas are prepared by staff in consultation with the Commission Chair

Minutes are taken by staff following the format outlined in Schedule I

The ADP typically meets once a month for a maximum of two hours, and meetings are generally held at the Municipal Hall. Our goal is to provide the agenda to each member five days before the scheduled meeting. Agendas are also published on the District's website. A meeting will not take place if there are no applications or Council referrals to consider.

Meetings are based on the meeting format outlined in the Council Procedure Bylaw and use 'Robert's Rules of Order' to facilitate discussion, as this allows everyone to be heard and to make decisions fairly without confusion.

Agenda

The format for ADP meeting agendas follows the format outlined in Schedule H. Agenda packages are published five days before the meeting, and will include staff reports and application-related materials. Elevations, landscape plans, siting information and any other relevant details will be provided to assist the Panel in its deliberations. When interior plans are included, it is for context only, as the Panel is tasked with making recommendations to Council about exterior features.

If you have questions about anything in the agenda, you are encouraged to contact the Staff Liaison before the meeting to give them adequate time to research the response and provide the information to all Panel members.

Public Attendance & Participation

ADP meetings are open to the public and meeting agendas are posted on the District website and at Municipal Hall. Applicants whose project is on the agenda are generally given the opportunity to speak. An ADP meeting is not to be confused with a public hearing meeting, which is when members of public can provide comment directly to Council regarding rezoning or OCP amendments. Members of the public may not make verbal or written submissions to the ADP.

Voting and Quorum

In order for the ADP to meet and make recommendations there must be a quorum, or simple majority, of the voting members. With a full complement of five volunteer members, quorum is three. If there is no quorum 15 minutes after the meeting start time, the meeting will be adjourned. This could result in projects being delayed, so it is important that you attend the meetings and arrive on time.

All members of the ADP must vote on all recommendations unless they have declared a conflict of interest and left the meeting. Any member who abstains from voting will be deemed to have voted in favour of the motion. In the case of a tie vote, the motion will be considered defeated.



Recommendations



The ADP is tasked with considering design merits of applications and any other matters referred to it, and making recommendations to Council on those matters. Staff carry out an initial review of the application and prepare a report for the Panel. A copy of the application is included in the agenda package. At the meeting, the Staff Liaison will introduce the application and the applicant has the opportunity to address the Panel, and to answer questions. The Panel will review the merits of the application as follows:

- i. Uplands Siting and Design applications, relative to the Uplands Design Guidelines (associated with the *Uplands Regulations Bylaw, 1987* and the *Oak Bay Special Powers Act, 1935*) and any applicable policies outlined in the *Official Community Plan*; and,
- ii. select development applications, relative to the applicable registered design covenants or Development Permit Area guidelines in the *Official Community Plan*.

The Panel will then vote on the application by recommending, in the form of a resolution based on the information presented, one of the following:

1. To approve the application
2. To approve the application with design considerations, including the nature of any change that would lead to approval
3. Not to approve the application, with clearly stated reasons specific to the mandate of the Panel based on the design merits of the application as stated above.

Should the Panel have additional comments or concerns, you may choose to make a second resolution, however, always within the context of the Panel's mandate and the Establishing Bylaw.

The Panel's Establishing Bylaw does not allow the Panel to refer an application to a future meeting of the Panel pending further information or amendments to the application.

After the meeting, staff will review the Commission discussion and recommendation with the applicant, who will have the opportunity to make any recommended changes to the application before it goes to Council

Staff will prepare a report for Council, which will include the Panel's recommendation and any subsequent amendments by the applicant to satisfy any considerations. Council will make the final decision on the application

The recommendation that the Commission arrives at may well be different from the options provided by staff, which is a perfectly acceptable outcome after you have carefully considered the application and the options during your discussions. Remember, however, that your decision must be based on the information presented to you and your mandate. Similarly, your recommendations to Council will be given careful consideration, but ultimately Council will make their own decision based on a variety of factors and input from a number of sources in addition to the advisory bodies.

Other issues raised at Panel meetings may be referred to Council for consideration if it is deemed appropriate to do so. Should the ADP wish to refer a matter in this way, it must fall within the Panel's mandate, should fit into the current Council priorities and help achieve current Council objectives. It is important to remember as well that staff work is directed by Council priorities and ongoing current applications and there may not be capacity to take on new initiatives suggested by the Panel.



Expectations

ADP members are expected to conduct themselves with professionalism, providing well-considered and timely responses to Council and staff as appropriate. Members should endeavour to carry out their work effectively, efficiently and creatively, while maintaining actual and perceived separation from influences that could disrupt thoroughness, balance and objectivity in recommendations. This becomes increasingly important when you consider, individually and collectively, how development applications fit into established policies and legislation such as the District's Official Community Plan and Zoning Bylaw, as well as Council's priorities.

In addition, there are several District of Oak Bay policies that directly apply to Advisory Body members in terms of expectations regarding conduct. These include the Respectful Workplace Policy, Council Code of Conduct and the Committee and Commission Policy. Copies of these policies are provided in the Schedules to this Manual.

While ADP members are appointed for the personal skills and knowledge you bring to the Commission, you are expected to represent to the best of your ability the desires of the community in your recommendations or findings.

Council recognizes the value of your commitment in terms of your time, helpful ideas and expertise. In return, you can expect Council and staff to provide:

- Commitment from Council to refer Land Use/Design issues for ADP consideration as they arise
- Full information on the issues being addressed and effective staff support
- Orientation and training
- Prompt feedback on the outcomes of your advice and recommendations

It is important to be aware that the public also has expectations of you -- that you will represent the interests of the community as a whole, and that you are fair, objective and respectful in your considerations. Finally, it is vital that you avoid any real or perceived conflict of interest (see page 20 for more on Conflict of Interest).



Objectivity

Deciding on a recommendation can be a complex matter. ADP members may face pressures to influence a decision. Such pressures may include the following:

Members should endeavor to carry out their work effectively, efficiently and creatively, while maintaining a separation from influences that could disrupt thoroughness, balance and objectivity in recommendations

It is expected that all members will conduct themselves appropriately and adhere to procedural rules

Peer Pressure

You may have social, professional or business contacts with people who have interest in applications pending before the Commission. Such contacts may appear to provide relevant information, but they should not be permitted to influence your decision-making before deliberations begin, and whatever information provided that may be relevant should be shared with the entire Panel.

Developer Pressure

Developers often represent a particular viewpoint. The community does not have to accept development that is inconsistent with relevant bylaws and guidelines. The Commission needs to review each proposal on its own merits.

Political Pressure

The ADP should seek to have an effective and ongoing dialogue with Council, as this helps create a more cooperative and productive relationship through which the interests of the community can be incorporated into planning decisions. However, members of Council should not seek to influence members of the Commission. The ADP is intended to be an independent body and Commission members should use their own judgment in casting votes, to help to promote good planning. ADP and Council members should never meet to discuss applications outside of formally scheduled meetings.

Fairness & Legal Soundness

As representatives of the entire community, members should be continually aware of the obligation to be fair and impartial. All issues before the ADP must be treated equitably. You should identify objective reasons for decisions you make as a group, dealing with the merits of the issue in terms of the Panel's mandate and the applicable legislation and/or guidelines, and not based on personal bias.

The District is legally limited in its ability to control and regulate private land. You should at least be generally aware of these limits so that the focus of your discussions and recommendations does not exceed the District's authority to act.



Conflict of Interest

Procedures for conduct where a conflict of interest exists are prescribed in the *Community Charter* Sections 100 to 101 (Schedule G of this manual), as well as the Committee and Commission Policy, Schedule B in this manual. A conflict of interest exists where an ADP member is an interested party to an application or process under consideration by the ADP and/or the member has a direct or indirect pecuniary interest in the outcome of Panel's deliberations.

The following excerpt from the UBCM Advisory Service Fact Sheet Series, No. 15: Conflict of Interest, describes some typical scenarios relating to conflicts of interest:

“

Conflicts often occur between the member's public duty and his or her personal, business or property interests. The courts treat personal, business or property interests of a spouse, child, parent, partner, client (or in some cases, a corporation) of the member the same way they treat the interests of the member. If the member is in any way involved in a matter before Council that actually advances (or appears to advance) any of these interests, a conflict of interest may arise.

Business Interests

A member has a conflict of interest if he or she votes on a matter that helps his or her own business, or hinders the competition.

Property Interests

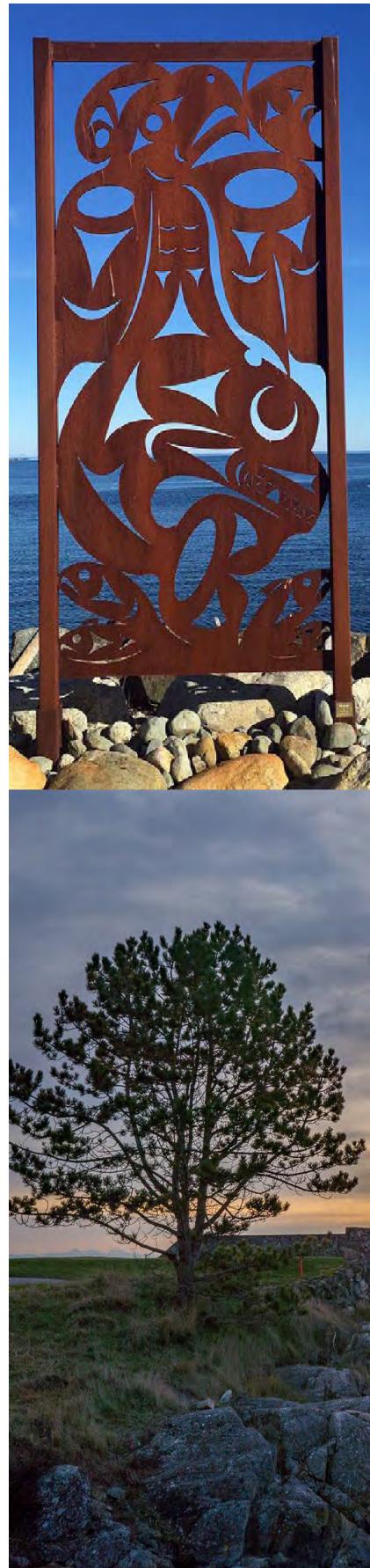
If a member votes on a land use bylaw that makes his or her own property sub-dividable, or more or less valuable in any way, a conflict arises.

Family Interests

If a member votes on a matter that is to be the benefit or disadvantage of spouse, child or parent, as in increasing salary or increasing or decreasing property values, a conflict arises. ”

If you think you have a conflict of interest in a matter before the Advisory Design Panel, you:

- Must declare to the ADP that a conflict exists
- Are not entitled to participate in the discussion of the matter or to vote on a question in respect of the matter
- Must absent yourself from the meeting during consideration of the issue to which the conflict relates and not attempt to influence the vote (this is to be reflected in the meeting minutes). If you are participating electronically, you will be placed in the meeting's virtual waiting room.
- Must not attempt to otherwise influence the decision





Schedules



Schedule A: APC - Design Panel Bylaw 4772



THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4772

A Bylaw to Establish the
Oak Bay Advisory Planning Commission – Design Panel

CONSOLIDATED FOR CONVENIENCE TO FEBRUARY 14, 2022

(**amended by Bylaw No. 4772.001)

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 ESTABLISHMENT

1.1 A commission to be known as the Oak Bay Advisory Planning Commission – Design Panel (the “Commission”) is hereby established.

2 DEFINITIONS

2.1 In this Bylaw, the following words shall have the following meanings:

Commission	means the Advisory Planning Commission – Design Panel established by this Bylaw
Council	means the Municipal Council of the Corporation of the District of Oak Bay
Council Liaison	means a Member of Council appointed by the Mayor as a Council Liaison to the Commission
Member	means a person appointed as a volunteer to the Advisory Planning Commission – Design Panel
Official Community Plan	means the District of Oak Bay <i>Official Community Plan</i> , as amended or replaced from time to time
Staff Liaison	means the staff person(s) designated by the Chief Administrative Officer to support the Commission
Zoning Bylaw	means The Corporation of the District of Oak Bay <i>Zoning Bylaw</i> as amended or replaced from time to time

3 MANDATE OF THE COMMISSION

3.1 The mandate of the Advisory Planning Commission – Design Panel is to provide professional and community advice to assist Council and Staff in evaluating the



design merits of select development applications, as well as any other matters referred by Council, including consideration of draft design guidelines or policies to ensure that the form and character of future development is of a high quality and meets the needs of the community.

- 3.2 The specific duties of the Commission are:
 - a) To evaluate and make recommendations on the design merits of the following types of development applications:
 - i. Uplands Siting and Design applications, relative to the Uplands Design Guidelines (associated with the *Uplands Regulations Bylaw, 1987* and the *Oak Bay Special Powers Act, 1935*) and any applicable policies outlined in the *Official Community Plan*; and,
 - ii. select development applications, relative to the applicable registered design covenants or Development Permit Area guidelines in the *Official Community Plan*.
 - b) To provide input via staff, upon referral from Council, in establishing design guidelines or related policies to ensure that the form and character of future developments are of a high quality and meet the needs of the community.
- 3.3 The Commission is further authorized to review and make recommendations on the Allan Cassidy Recognition of Renovation and Building Achievement Awards, recognizing projects that have demonstrated innovation and high standards in urban and landscape designs.

4 MEMBERSHIP OF THE COMMISSION

- 4.1 The Commission shall be comprised of up to five (5) volunteer members.
- 4.2 The District shall strive to achieve expertise through the following Commission membership:
 - a) Two registered architects of the Architectural Institute of BC
 - b) Three members with professional experience in at least two or three of the following areas: architecture, design, engineering, and landscape design.
- 4.3 In accordance with the *Local Government Act*, at least two-thirds of the membership shall be residents of the District of Oak Bay.
- 4.4 The Mayor shall appoint one (1) member of Council as a non-voting Council Liaison.

5 APPOINTMENT PROCESS AND TERMS OF COMMISSION MEMBERSHIP

- 5.1 Members of the Commission shall be appointed by Council.
- 5.2 Members will be appointed for staggered terms of one (1) to two (2) years.
- 5.3 Members of the Commission shall be appointed for a maximum continuous tenure of three (3) terms, or six (6) consecutive years, except as otherwise specified in the



(**Bylaw No. 4770.001, adopted February 14, 2022)

Committee and Commission Policy for terms beginning in 2021.

- a) Members of the Commission who wish to continue to serve on the Commission must seek re-appointment by Council at the end of each term.
- 5.4 Members who have served the maximum tenure permitted are subject to a mandatory one-term (2 year) absence from the Commission prior to seeking re-appointment for any subsequent term, unless Council deems their reappointment to be necessary for expertise and continuity purposes.
- 5.5 An appointment to the Commission may be rescinded at any time by Council.
- 5.6 If Council, by resolution, fills a vacancy arising from a cause other than the expiration of the term for which the departing member was appointed, such appointment shall be for the unexpired portion of the departed member's term.
- 5.7 A member who fails to attend three successive meetings of the Commission, except due to illness or with leave of Council, shall be deemed to have resigned their membership.

6 COMMISSION MEETING PROCEDURES

- 6.1 The provisions of the current *Council Procedure Bylaw* and *Committee and Commission Policy* will govern the meetings of the Commission.
- 6.2 The Commission shall elect the Chair and Vice-Chair annually at the first meeting of each calendar year from amongst its members. A motion to appoint a member to the position of Chair or Vice-Chair shall be in order only with the consent of the nominee.
- 6.3 As per the *Committee and Commission Policy*, Chairs elected or appointed by the Commission will serve a maximum two-year term. Council may consider any extenuating circumstances and extend the appointment of a Commission Chair as it deems necessary.
- 6.4 Regular meetings shall generally take place on a monthly basis if there are referrals to consider. As per the *Council Procedure Bylaw* and the *Committee and Commission Policy*, there will be no Commission meetings in August. Further, during a local government election year, there will be no meeting held in the month of the municipal election.
- 6.5 Subject to the provisions outlined in Section 6.4, the Chair may cancel a regular meeting or schedule a special meeting in consultation with the Staff Liaison, and with the approval of the Chief Administrative Officer.
- 6.6 Unless a meeting or part of a meeting is authorized to be closed to the public in accordance with the provisions of the *Community Charter*, all Commission meetings shall be open to the public.
- 6.7 Quorum for the Commission shall be a simple majority of appointed volunteer members.
- 6.8 Provided a quorum is present, all decisions of the Commission shall be reached by consensus or a majority vote of the members present, including the vote of the Chair, with the motion being defeated in the event of a tie vote.
- 6.9 A member of the Commission who has a direct or indirect pecuniary interest, or



another interest in the matter that constitutes a conflict of interest in a matter before the Commission, distinct from that possessed in common with the public generally, shall:

- a) In open session declare such interest;
- b) Refrain from participating in any discussion or voting on the matter; and
- c) Leave the meeting room for the duration of discussion or voting on the matter.

6.10 Commission meetings shall be adjourned no later than two (2) hours from the scheduled start time of the meeting. If business cannot be completed within two (2) hours, the Chair or Council Liaison may request a special meeting through the Corporate Officer or Chief Administrative Officer, for the sole purpose of completing the unfinished business.

7 APPLICATION REVIEW PROCESS

7.1 Individual development applications referred to the Commission for review must be considered in open session.

7.2 Individual applications referred to the Commission for review must be considered in open session.

7.2 The design review process shall be as follows:

- a) Staff will undertake an initial review of the application and prepare a report for the Commission. A copy of the application and staff report will be included in the Commission's agenda package.
- b) At the Commission meeting, the Staff Liaison will introduce the application to the Commission members and the applicant and / or representative shall be given the opportunity to address the Commission, following which the Commission members will have an opportunity to address questions to the applicant and staff.
- c) The Commission will review the design merits of the application as follows:
 - i. Uplands Siting and Design applications, relative to the Uplands Design Guidelines (associated with the *Uplands Regulations Bylaw, 1987* and the *Oak Bay Special Powers Act, 1935*) and any applicable policies outlined in the *Official Community Plan*; and,
 - ii. select development applications, relative to the applicable registered design covenants or Development Permit Area guidelines in the *Official Community Plan*.
- d) The Commission will then vote on the application by recommending, in the form of a resolution, one of the following:
 - i. approval of the application;
 - ii. approval of the application with design considerations; or,
 - iii. denial of the application.
- e) If the Commission recommends approval of the application with design considerations, the resolution must include and specify the conditions accordingly.
- f) Following the Commission meeting, staff will review the Commission discussion



and recommendation with the applicant. If the Commission recommended approval with design considerations, the applicant will have the opportunity to amend the application before it proceeds to Council.

- g) Staff will prepare a report for Council, which will include the Commission recommendation and any subsequent amendments by the applicant to satisfy any considerations. In addition, a copy of the relevant meeting minute excerpt, draft or adopted, will also be attached.
- h) The outcome of Council's decision will be reported back to the Commission through the Council Liaison.

8 REPORTING TO COUNCIL

- 8.1 As set out above in Section 7, Commission recommendations related to individual applications will be conveyed to Council through the established development review process, and generally contained in staff reports to Council.
- 8.2 Commission advice and recommendations related to any other matter referred by Council shall be by way of a report to Council, with the assistance of the Staff Liaison, in the form prescribed by the Corporate Officer, as may be amended from time to time. Council decisions will be reported back to the Commission by the Corporate Officer via memorandum.

9 AGENDAS AND MINUTES

- 9.1 Commission meeting agendas and minutes must be prepared, distributed, posted and filed in accordance with the current *Council Procedure Bylaw*, the *Committee and Commission Policy*, and all related corporate administrative guidelines.

10 REMUNERATION AND BUDGET

- 10.1 Members of the Commission shall serve without remuneration; however, they may be reimbursed for expenses incurred while engaged in Commission duties. Pursuant to the *Committee and Commission Policy*, these expenses must be pre-approved by the Chief Administrative Officer or Director of Financial Services, as appropriate.
- 10.2 Council shall establish an annual budget and provide funds for the operation of the Commission, including attending land use planning or design related conferences or workshops, advertising and administrative supplies.
- 10.3 Expenditures from the annual budget approved by Council, shall be approved by the Director of Building and Planning or by the Director of Financial Services.

11 STAFF SUPPORT FOR THE COMMISSION

- 11.1 Staff support for the Commission will be provided by one Staff Liaison from the



Building and Planning Department and one Recorder. The roles and responsibilities of the Staff Liaison and Recorder are outlined in the *Committee and Commission Policy*.

11.2 The Building and Planning Department is the primary contact for the Commission and will provide the required professional and administrative support.

12 CITATION

13.1 This Bylaw may be cited as the *Advisory Planning Commission – Design Panel Bylaw No. 4772, 2020*.

READ a first, second and third time by the Municipal Council on December 7, 2020

ADOPTED AND FINALLY PASSED by the Municipal Council on December 14, 2020

Mayor

Corporate Officer

Sealed with the Seal of The Corporation of the District of Oak Bay.



Schedule B: Commission & Committee Policy



Policy	Committee and Commission Policy
Approved By:	Council
Approval Date:	July 27, 2020
Amendments:	December 7, 2020

TABLE OF CONTENTS

POLICY VISION	2
PURPOSE	2
APPLICATION AND SCOPE	2
DEFINITIONS	2
RULES OF INTERPRETATION	3
1. Municipal Governance and Decision Making	3
2. Basis for Establishing Committees and Commissions	4
3. Roles and Responsibilities	4
4. Review of Committee and Commission Structure	7
PROCEDURES AND ADVISORY BODY OPERATIONS	7
1. Procedure to Establish Committees or Commissions	7
2. Procedure to Establish Sub-Committees	7
3. Authority of Committees and Commissions	7
4. Advocacy and Representation	8
5. Appointments and Recruitment	8
6. Terms of Appointment	9
7. Committee Attendance	10
8. Resignation of Member	10
9. Removal of Member from Committee or Commission	10
10. Agendas	10
11. Minutes	11
12. Reporting	11
13. Communication	12
14. Meeting Schedule	12
15. Site Visits	12
16. Meetings Open to the Public	13
17. Presentations to Committees or Commissions	13
18. Rules of Procedure	13
19. Voting	13
20. Conflict of Interest	14
21. Budget	14
22. Personal Liability	14
23. Orientation	14
24. Media Relations	14
25. Website and Social Media	15
26. Code of Conduct	15
27. Members Running for Office	15
28. Email Privacy and Information Sharing	15
Related Bylaws, Policies and Guidelines	16
Appendix A – Types of Committees and Commissions	17

POLICY VISION

Local government Committees and Commissions are strong public engagement tools for civic involvement. For the District of Oak Bay, they are primarily established to inform Council's governance role and associated decision-making process through the receipt of input, advice and recommendations that represent the broader interests of the community.

PURPOSE

To outline the guiding principles and procedures for the establishment and conduct of the District's Committees and Commissions.

APPLICATION AND SCOPE

- This Policy applies to all Committees and Commissions established by the Mayor and/or Council.
- This Policy does not apply to Council or Committee of the Whole.
- This Policy is to be used in conjunction with the District's current *Council Procedure Bylaw*, Council's Code of Ethics, Respectful Workplace Policy, applicable Council resolutions and any additional legislation specific to Committees or Commissions.
- This Policy works in conjunction with the appropriate Terms of Reference or Establishing Bylaws as approved by Council.

DEFINITIONS

For all definitions not specifically covered below, Section 40(1) of the *Interpretation Act* (British Columbia) provides that definitions in the *Local Government Act* and the *Community Charter* (British Columbia) are deemed to apply to bylaws made under those Acts.

“CAO” means the individual appointed by Council as the Chief Administrative Officer for the District, or their designate;

“Chair” means the Member presiding, appointed or elected in accordance with the Terms of Reference or Establishing Bylaw, who is chairing a Meeting;

“Commission” means a Commission, including any Sub-Committees of a Commission, established pursuant to the *Community Charter* or the *Local Government Act*;

“Committee” means a Standing, Select or other Committee of Council, including any Sub-Committees, established pursuant to the *Community Charter*, but does not include Committee of the Whole;

“Corporate Officer” means the individual appointed by Council as the officer assigned the responsibility of corporate administration of the Corporation, or their authorized deputy;

“Council” means the Municipal Council of The Corporation of the District of Oak Bay;

“Council Liaison” means a Member of Council appointed by the Mayor as a Member of a Committee or Commission;

“Council Member” means the Mayor or a Councillor of the District of Oak Bay;

“Council Procedure Bylaw” the current *Council Procedure Bylaw*, as amended or replaced from time to time.

“Councillor” means a person presently holding the office of Councillor in the District;

“District” means The Corporation of the District of Oak Bay;

“Mayor” means the Mayor of the Corporation of the District of Oak Bay, Chief Elected Official (CEO), or the person appointed by Council as Acting Mayor, or a Member of Council who is the presiding officer at a meeting of Council;

“Member” means a person appointed as a volunteer to a Committee or Commission by Council;

“Municipal Hall” means The Corporation of the District of Oak Bay Hall located at 2167 Oak Bay Avenue, Victoria, British Columbia;

“Recorder” means the staff Member designated by the CAO or Corporate Officer to provide administrative support to the Committee or Commission. The Recorder is not a Member of the Committee, is not entitled to vote, and is not counted in determining quorum;

“Respectful Workplace” means a work environment in which all individuals are treated with mutual dignity and respect as per the District’s current *Respectful Workplace Policy*, as amended from time to time, and WorkSafe BC legislation;

“Staff Liaison” means the staff person(s) designated by the CAO to support the Committee or Commission. The Staff Liaison is not a Member of the Committee, is not entitled to vote, and is not counted in determining quorum.

RULES OF INTERPRETATION

In this Policy, the term “Advisory Body” refers to a Committee or a Commission, and the term “Advisory Bodies” refers to both. The use of the word “advisory” shall not limit, in any manner, Council’s authority under the *Community Charter* to delegate (by bylaw) further powers, duties and functions to a Committee or Commission, to the extent provided within the Act.

PRINCIPLES

1. Municipal Governance and Decision Making

Municipal Council is the main governing and legislative body of the District of Oak Bay and is made up of the Mayor and six (6) Councillors who are elected at large for a four-year term. Council receives input from Members of the public, staff, Advisory Bodies (i.e. Committees and Commissions), and other sources to inform governance decisions and plans.

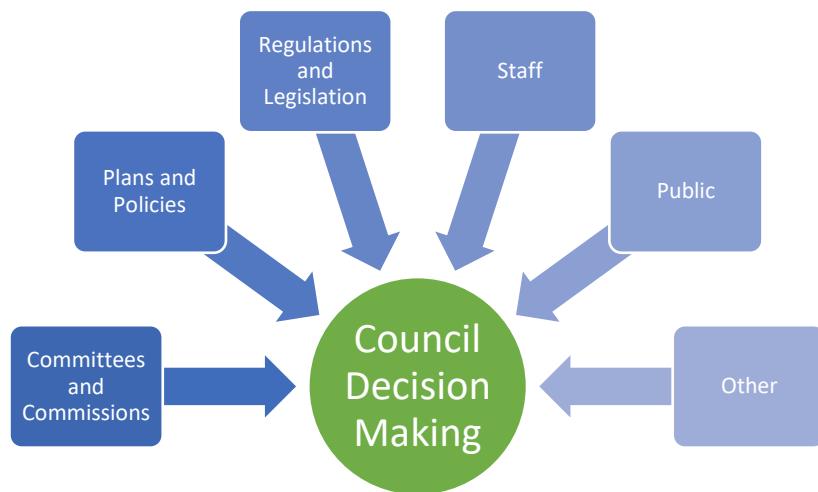


Figure 1 – Components of Council’s Decision-Making

Committees and Commissions provide advice and recommendations to Council on matters related to their mandate or referred to them by Council. In some cases, Council may, by bylaw, delegate further powers, duties and functions to Committees and Commissions, to the extent provided within the *Community Charter*. The mandate of a Committee or Commission is outlined in the Terms of Reference or Establishing Bylaw as approved by Council.

Staff are employees of the District of Oak Bay, who provide professional advice and expertise to Council, implement Council's decisions and Strategic Priorities, and enforce the rules established by Council and relevant legislation. Staff are also responsible for municipal operations dependent upon Council's allocation of resources.

Members of the Public include residents, property owners, business owners or other stakeholders involved in the community. There is a broad spectrum of direct and indirect ways that the public may be involved and contribute to Council's decision-making process. The public may provide input to Council during public consultation opportunities such as Public Hearings, the budget process and public input periods as per the District's current *Council Procedure Bylaw*. Another way is serving on a Council Committee or Commission.

Unless provided for in the applicable Terms of Reference or Establishing Bylaw, members of the public do not present to Advisory Bodies. This is in order to allow the Committee or Commission Members to focus on the matter before them, and to direct all public input to Council as the District's main governing and decision making body, as per the District's current *Council Procedure Bylaw*, as amended from time to time.

Public input, while an important component of Council's decision-making, is not a requirement for an Advisory Body to make a recommendation for Council's consideration (see Figure 1). The public may observe the proceedings of the Advisory Body meeting and will have an opportunity to provide input to Council as noted above, during regular Council or Committee of the Whole meetings, Public Hearings, public consultation opportunities or by submitting written comments as outlined in the District's current *Council Procedure Bylaw*.

2. Basis for Establishing Committees and Commissions

For the District of Oak Bay, Council Committees and Commissions are primarily established to augment Council's governance role and associated decision making. Participation as a Member of an Advisory Body also provides an additional opportunity for Members of the public to serve the community.

When considering the establishment of Committees and Commissions, Council will consider alignment with each of the following:

- Council's Strategic Plan and identified priorities and corporate objectives
- the Official Community Plan and the identified goals
- the Five-year Financial Plan and allocated resources
- Council procedures to establish Committees and Commissions as outlined in the *Council Procedure Bylaw* and in this Policy.

The mandates for each Committee and Commission should directly assist Council and the organization in achieving its strategic priorities and corporate objectives. Refer to Appendix "A" for a detailed description of the types of Committees or Commissions that may be established in accordance with the *Community Charter* or *Local Government Act*.

3. Roles and Responsibilities

The main role of District of Oak Bay Committees and Commissions is to provide advice and recommendations to Council on matters related to their mandate or referred to them by Council. The mandate of a Committee or Commission is outlined in the Terms of Reference or Establishing Bylaw as approved by Council.

The roles and responsibilities of key groups and individuals involved with Committees and Commissions is as follows:

Council will:

- Appoint and remove Members of Committees and Commissions
- Appoint a Council Liaison to each Committee or Commission with full voting privileges and Membership rights as appropriate, and as provided for in the Terms of Reference or Establishing Bylaw

Council Members who are attending (in person) an Advisory Body meeting of which they are not an appointed Member:

- May participate in a discussion, only with the permission of the majority of all Members of the Committee or Commission
- Must not vote on a question

Committee or Commission Members will:

- Elect a Chair and Vice-Chair, if required, as per the Terms of Reference or Establishing Bylaw
- Attend orientation and training sessions as provided by the District
- Represent community interests within the mandate of the Advisory Body
- Participate and come prepared to meetings
- Make recommendations to Council in a collective manner; all Members have equal voting rights
- Adhere to District policies regarding conduct and Respectful Workplace behaviour
- Participate in the development of an Annual Work Plan (if required in the Advisory Body's Terms of Reference or Establishing Bylaw) and Annual Report to be approved by Council

Chairs (or Vice Chairs) will:

- Preside over and maintain order at meetings and ensures compliance with the District's current *Council Procedure Bylaw*
- Uphold the District's current *Respectful Workplace Policy*
- Set a positive tone for the Committee or Commission, establishing collaborative and respectful working relationship amongst fellow Members and with District staff
- Maintain compliance with the Advisory Body's mandate as defined in the Terms of Reference or Establishing Bylaw as approved by Council
- Ensure all Members, staff, and applicants, as appropriate, have an opportunity to participate and be heard at meetings
- Work with staff to develop agendas
- Facilitate adherence to agenda items
- Ensure a Member is not present at any part of a meeting where a conflict of interest has been declared
- Lead the development and presentation to Council of an Annual Work Plan (where required in the Advisory Body's Terms of Reference or Establishing Bylaw) and an Annual Report to Council, in collaboration with the Staff Liaison and Council Liaison

Council Liaisons will:

- Provide an information and liaison role between Council and the Committee or Commission, including introducing any Advisory Body recommendations (excluding Land Use Applications), and providing regular updates of key activities and achievements at Council meetings, including Member recognition (e.g. milestone service anniversaries, retirements, etc.) as appropriate.
- Vote on recommendations to Council, if permitted by the Terms of Reference or Establishing Bylaw, and in accordance with the *Community Charter* and *Local Government Act*

- Support the Chair to ensure that the work of the Committee or Commission falls within the established mandate and priorities of Council and the District
- Support the Chair in establishing collaborative and respectful working relationship amongst Committee or Commission Members, and with District staff
- Assist with the development of the Annual Work Plan, if required, and the Annual Report, including supporting the Chair with presentation to Council
- Present an Annual Report and Annual Work Plan, if required, to Council in collaboration with the Chair and Staff Liaison
- Attend and support staff in the delivery of Member orientation and training sessions
- Report back to the Advisory Body on the outcome of any Council decisions (i.e. decision to approve, deny or other) pertaining to recommendations related to land use applications

Staff Liaisons will:

- Prepare technical reports and deliverables, and provide information and professional advice to the Advisory Body
- Provide professional recommendations which may not necessarily align with those of the Advisory Body (i.e. staff recommendations are another component of Council's decision making – see Figure 1)
- Assist the Chair with meeting procedures, maintaining the Advisory Body's mandate and setting a positive, collaborative tone amongst Committee or Commission Members and with District staff
- Advise the Corporate Officer or CAO if an Advisory Body proceeds to consider a matter that falls outside the scope of its mandate, as set out in its Terms of Reference or Establishing Bylaw
- Support the Chair in developing agendas and gathering supporting documents, arranging meetings, writing reports and recommendations to Council, developing Annual Reports and Annual Work Plans (if required) and promoting effective Committee or Commission operation
- Monitor and report on the Advisory Body's budget, if applicable
- In the absence of the Recorder, assist with the preparation of agendas and minutes
- Following each regular recruitment process, work with the Corporate Officer to develop and deliver a comprehensive Member orientation program, including roles and responsibilities and the mandate of Committee or Commission
- Perform other duties as assigned by the CAO regarding the function of the Committee or Commission

The Recorder will:

- Prepare meeting agendas and meeting minutes in accordance with the District's established standards
- Maintain Member attendance records and ensure that the Committee or Commission Membership list and contact information is current, and updated regularly
- Circulate completed agendas and official copies of minutes to the Corporate Officer for filing following each meeting
- Assist the Committee with logistical support such as arranging meeting space and completing required set-up and clean-up
- Assist the Chair and Staff Liaison to prepare routine correspondence as approved by the Committee, as appropriate

The Corporate Officer is responsible for administrative oversight of all Committees and Commissions, and will:

- Maintain official records of the Advisory Bodies
- Coordinate recruitment and orientation of Advisory Body Members
- Provide administrative advice and guidance as required to Members and Advisory Bodies as a whole

- Report back to the Advisory Body, in the form of a memo, on the outcome of any Council decisions pertaining to Committee or Commission recommendations on any matter other than land use applications

4. Review of Committee and Commission Structure

In consultation with staff, Council will review the Committee and Commission structure and mandate on a regular basis to determine continued alignment with Council's strategic priorities and corporate objectives. The Advisory Bodies and/or their respective Chairs will be invited to provide input to Council through means of a Member survey or similar consultation method. The Terms of Reference and Establishing Bylaw for each Committee or Commission will also be put before Council as part of the review process.

The first review shall take place approximately one year from the adoption of this Policy. Following that, a regular review shall take place bi-annually. This is to provide for an earlier opportunity to assess the changes introduced by this Policy, and to establish a schedule thereafter in which a review will not fall in the same year as a general municipal election.

PROCEDURES AND ADVISORY BODY OPERATIONS

1. Procedure to Establish Committees or Commissions

In considering the formation of any new Committees or Commissions (except for Mayor's Standing Committees), Council will request staff to prepare Terms of Reference or an Establishing Bylaw for consideration by Council prior to establishing the Committee or Commission.

At a minimum, each resolution or bylaw to establish a Committee or Commission must:

- Name the Committee or Commission;
- Establish the Terms of Reference;
- Establish the composition and terms of appointment of Members;
- Establish the requirements for reporting to Council; and
- Allocate any necessary budget or other resources required to support the activities of the Committee or Commission.

2. Procedure to Establish Sub-Committees

- (a) Upon request to Council and subsequent receipt of an authorizing resolution, a Committee may appoint a Sub-Committee to deal with a matter in more detail and make recommendations to the Committee for consideration. The Sub-Committee may be made up of a sub-section of the Committee Membership or may include additional expertise as required. The same meeting procedures for the Committee apply to the Sub-Committee. Council must approve a Terms of Reference as appropriate before a Sub-Committee can be formed.
- (b) All existing Sub-Committees are on hold pending completion of the procedure described in Section 2(a) above and approval by Council.

3. Authority of Committees and Commissions

- (a) Committees and Commissions must make recommendations to Council requesting authority to act unless Council has granted delegated authority to make decisions in specific circumstances.

- (b) Select Committee and Working Groups with a specific task must conduct their business in accordance with the Terms of Reference and within the time prescribed by Council, following which they will report their findings and opinions to Council for consideration in accordance with Section 12(b) of this Policy, under Reporting.
- (c) Referral of matters to Committees and Commissions are made by Council. A Committee or Commission may request to refer a matter to another Advisory Body for comment by making a recommendation to Council in accordance with Section 12(b) of this Policy, under Reporting.

4. Advocacy and Representation

- (a) Members shall represent the mission and goals set out in the Terms of Reference or Establishing Bylaw of the Committee or Commission to the best of their ability when designated as delegates for this purpose.
- (b) When presenting their individual opinions and positions outside of officially convened Advisory Body meetings, Members shall explicitly state they do not represent the Committee, Commission or the District, nor shall they allow the inference that they do.
- (c) Members of a Committee shall refrain from speaking on behalf of a Committee or Commission at non-Committee/Commission events unless authorized to do so by the Advisory Body during a meeting.
- (d) Unless otherwise provided for in their Terms of Reference or Establishing Bylaw, or by Council resolution, Committees and Commissions do not have the authority to communicate with other levels of government, to pledge the credit of the District, or to authorize any expenditures to be charged to the District.
- (e) Members will not misrepresent themselves as having any authority beyond that delegated by Council as outlined in the Terms of Reference or Establishing Bylaw.
- (f) Members will not identify themselves as a Member of an Advisory Body when speaking individually, as a resident, to Council on a land use application.
- (g) Members will make decisions by a majority vote, in the best interests of the community. Regardless of how individual Members vote on a matter, all Members have a duty to accept majority decisions of the Committee or Commission as collective decisions.

5. Appointments and Recruitment

- (a) Staff will regularly review the terms of each Committee or Commission Member to determine any upcoming vacancies. The first review shall take place approximately one year from the adoption of this Policy. Following that, a regular recruitment shall take place bi-annually. This is to ensure that recruitment coincides with the Committee and Commission Structure Review schedule described in Section 4 under Principles, and to establish a regular recruitment schedule that does not fall in the same year as a general municipal election.
- (b) During regular recruitment years, vacancies will be advertised in November, in the local newspaper, on the District's website, and by any other method as determined by the Corporate Officer.

- (c) Vacancies that occur partway through a Member's term will be reviewed by staff to determine whether recruitment is required prior to the regular time identified in sub-section (a) and (b) above, based on the following criteria:
 - i. impact on quorum requirements
 - ii. timing of the vacancy
- (d) Appointments to Committees and Commissions will be made by Council in accordance with the Terms of Reference or Establishing Bylaw.
- (e) Committee and Commission Members must be residents of the District of Oak Bay, except as provided in the Terms of Reference or Establishing Bylaw. Resident appointees who move from the District will cease to be Members of the Committee or Commission, except as provided for in the Terms of Reference or Establishing Bylaw.
- (f) All applications for Membership on Committees or Commissions will be kept in confidence when submitted to the District.
- (g) Committee and Commission Members will serve without remuneration.
- (h) Members may be reimbursed for pre-approved "out of pocket" expenses incurred in performing their duties. These expenses must be pre-approved by the CAO or Director of Financial Services, as appropriate.
- (i) Applications for Membership shall be submitted on the District's application form prescribed by the Corporate Officer, as may be amended from time to time.
- (j) All applications submitted to the District will be provided to Council for their consideration at a closed ("in-camera") meeting, pursuant to Section 90 of the *Community Charter*. Council resolutions to appoint Committee and Commission Members will subsequently be reported publicly in an open meeting of Council, as a "Rise and Report" item.

6. Terms of Appointment

- (a) Committee and Commission Members (not including Council Liaisons) will initially be appointed for a term expiring December 31, 2020. Subsequently (beginning January 1, 2022), Members will be appointed for two (2) calendar years, unless otherwise stipulated by Council or as provided in the Terms of Reference or Establishing Bylaw. This is to ensure that the terms coincide with the Committee and Commission Structure Review schedule described in Section 4 under Principles, and to avoid expiry of terms immediately following a general municipal election.

(**Amended December 7, 2020)

- (b) Chairs elected or appointed by the Advisory Body will serve a maximum two-year term. Council may consider any extenuating circumstances and extend the appointment of an Advisory Body Chair as it deems necessary.
- (c) Committee appointments may continue until a successor is appointed by Council.
- (d) Unless otherwise appointed by Council, or as stipulated in sub-section (ii) below or in the Terms of Reference or Establishing Bylaw, an individual can serve for up to six (6) consecutive years on any one Committee or Commission.

- i. Council may also take into consideration any extenuating circumstances regarding the status of any Committee or Commission appointments and extend any appointment as it deems necessary.
- ii. Any new Members appointed to a Committee or Commission beginning in 2021 can serve up to five (5) consecutive years on that particular Committee or Commission. This is to ensure that the term maximums coincide with the terms of appointment described in Section 6(a) above, as well as the Committee and Commission Structure Review schedule described in Section 4 under Principles, and to subsequently avoid Members reaching term maximums immediately following a general municipal election.

(e) When considering re-appointments for a consecutive term, Committee and Commission stability and Membership continuity may be considered.

(f) Subject to Section 6(c), Council may appoint Members to fill vacancies on any Committee or Commission for the unexpired term of former Members. In the event of a vacancy, the person appointed to fill the vacancy will hold office for the remainder of the term of the vacated office.

(g) At the completion of their term, all Members wishing to continue serving on the Advisory Body must submit an application to Council for consideration of re-appointment during the appropriate recruitment period.

7. Committee Attendance

Unless otherwise provided for in the Terms of Reference or Establishing Bylaw, any Member who is absent from three (3) consecutive scheduled meetings without permission or leave from, or without satisfactory reasons to, the Committee or Commission Chair, will cease to be a Member of the Committee or Commission. The Staff Liaison will be advised by the Committee or Commission Chair and will undertake the appropriate process to fill the vacancy in consultation with the Corporate Officer.

8. Resignation of Member

Any Member wishing to resign from a Committee or Commission is requested to provide the resignation in writing to the Committee or Commission Chair, with a copy to the Staff Liaison. The Staff Liaison will advise the Corporate Officer of a vacancy. The Corporate Officer will action as appropriate.

9. Removal of Member from Committee or Commission

At the request of a Committee or Commission, or on its own initiative, Council may remove or request the resignation of any of its Committee or Commission appointees for malfeasance, lack of attendance, violations of the District's current *Respectful Workplace Policy*, or any other good and sufficient cause.

10. Agendas

- (a) The Staff Liaison is responsible, in consultation with the Committee or Commission Chair, for developing the meeting agendas.
- (b) Agenda packages will be prepared and distributed to Committee and Commission Members by the Recorder, in accordance with the District's current Council Procedure Bylaw. Agenda packages will also be posted to the District's website.

- (c) Committee Members may submit agenda items to the Chair and Staff Liaison for review and approval. Requests should be submitted at least seven (7) days in advance of the meeting and be accompanied by any relevant background documents.
- (d) As per the District's current Council Procedure Bylaw, late agenda items will not be placed on the agenda for the next regular meeting unless, in the opinion of the Chair, in cooperation with the Chief Administrative Officer or the Corporate Officer, the item is deemed to be urgent in nature.

11. Minutes

- (a) Committee and Commission minutes will set out the Advisory Body's recommendations in accordance with the District's standards, as amended from time to time. The minutes will be recorded by the Recorder or Staff Liaison.
- (b) The minutes, marked DRAFT, will be prepared and forwarded to the Staff Liaison for review.
- (c) Following review by the Staff Liaison the draft minutes will be posted to the District's website within seven (7) days of the meeting date, with a disclaimer that the minutes are not official until adopted by the Committee or Commission.
- (d) Minutes will be considered for approval and adoption by the Committee or Commission at its next meeting. Once adopted, the minutes will be certified correct, and signed by the Recorder and the Committee or Commission Chair. Draft minutes posted to the District's website must be replaced with adopted minutes, once available.
- (e) The Staff Liaison will provide the Corporate Officer with the original signed copy of the minutes as adopted, as well as the final electronic version for proper retention.

12. Reporting

- (a) Recommendations regarding land use applications will be reported to Council as part of the staff report accompanying the application and will include relevant excerpts from the Advisory Body's meeting minutes or draft minutes if not yet adopted.
- (b) All other recommendations will be provided to the Corporate Officer by way of Memorandum from the Staff Liaison or Recorder and will be accompanied by any reports, or background material provided as part of the appropriate Advisory Body meeting agenda, along with any relevant excerpts from the Advisory Body's meeting minutes or draft minutes if not yet adopted. This includes recommendations for projects or initiatives that the Advisory Body may wish to initiate in addition to those already approved in the Annual Work Plan (if required), or otherwise directed, authorized or delegated by Council. Council will consider such recommendations within the context of the Committee or Commission mandate, departmental workloads, budget and previous commitments outlined in the Corporate Plan and Council's Strategic Priorities.
- (c) As per Section 3 under Principles (Roles and Responsibilities), Council decisions on land use applications (i.e. decision to approve, deny or other) will be reported back to Advisory Body Members through the Council Liaisons. Council decisions on all other Committee or Commission recommendations will be reported back to the Advisory Body by the Corporate Officer via memorandum.

- (d) All Advisory Bodies shall submit an Annual Report to Council in the form prescribed by the Corporate Officer, as amended from time to time. Annual Reports for the preceding calendar year must be submitted no later than March 31, at a Committee of the Whole or Council meeting designated for that purpose.
- (e) If required under the Terms of Reference or Establishing Bylaw, the Advisory Body shall also submit an Annual Work Plan to Council in the form prescribed in the form prescribed by the Corporate Officer, as amended from time to time. Work plans for the following calendar year must be presented annually prior to December 31 at a Committee of the Whole or Council meeting designated for that purpose.

13. Communication

Unless provided for in the Terms of Reference or Establishing Bylaw, official communication specifically pertaining to District business between Committees and Commissions will only occur by way of a recommendation to Council. Council may at any time direct staff to refer a matter to another Advisory Body.

14. Meeting Schedule

- (a) At the first meeting after its appointment, a Committee or Commission shall be provided with an annual schedule of regular meetings by the Corporate Officer. The schedule will be developed by the Corporate Officer or the CAO for Council's endorsement or direction prior to the first meeting of the Committee/Commission, with consideration to department workloads, staffing capacity and budget impact.
- (b) Committee and Commission meetings will not be held in August. During an election year, Committee and Commission meetings will not be held in the month of the municipal election.
- (c) The Committee or Commission Chair may cancel a regular meeting or, subject to 14(b) above, schedule a special Committee and Commission meeting in consultation with the Staff Liaison, and with the approval of the CAO.
- (d) Committee and Commission meetings will be held in the Council Chambers at the Municipal Hall whenever possible, or at an alternate location approved by the Corporate Officer or CAO, in accordance with the District's current *Council Procedure Bylaw*.
- (e) Public Notice of all Committee and Commission meetings must be posted by staff in accordance with the *Community Charter* and the District's current *Council Procedure Bylaw*.
- (f) Committee and Commission meetings shall be adjourned no later than two (2) hours from the scheduled start time of the meeting. If business cannot be completed within two (2) hours, the Chair or Council Liaison may request a special meeting through the Corporate Officer or CAO, for the sole purpose of completing the unfinished business.

15. Site Visits

Committee and Commission Members are not permitted to enter onto private property, whether buildings or land. If a site visit is considered necessary in order to carry out the Advisory Body's duties as assigned under the established mandate, a Committee or Commission member may view a property from the street or other public space. A quorum of Members must be avoided at all times, unless alternate arrangements have been made by the Chair and Staff Liaison and approved by the CAO or Corporate Officer.

16. Meetings Open to the Public

Unless a meeting or part of a meeting is authorized to be closed to the public in accordance with the provisions of the *Community Charter*, all Committee and Commission meetings shall be open for public attendance.

17. Presentations to Committees or Commissions

At the discretion of the Chair, a Committee or Commission may invite other persons to participate in making presentations to the Committee or Commission in order to benefit from additional knowledge or expertise, as provided for in the Terms of Reference or Establishing Bylaw. Presentations must be scheduled in advance, prior to the agenda deadline and must not pertain to land use applications.

18. Rules of Procedure

- (a) All Committees and Commissions, and their respective Sub-Committees, must conduct their business in accordance with the Terms of Reference, Establishing Bylaw, and the District's current *Council Procedure Bylaw*.
- (b) No action of any Committee or Commission, except where delegated authority is expressly conferred on the Committee or Commission, will be binding on the District, unless Council has approved such action.
- (c) Unless otherwise stated in the Terms of Reference or Establishing Bylaw, the quorum for a Committee or Commission is a majority of all its Members, excluding any vacancies.
- (d) If there is no quorum of Committee or Commission present within fifteen (15) minutes of the time specified for the meeting, the procedures will be as set out in the District's current *Council Procedure Bylaw*. Business items will be brought forward to the next regularly scheduled meeting as per the District's current *Council Procedure Bylaw*.

19. Voting

- (a) All Members of a Standing or Select Committee of Council, including the Chair and Council Liaison, have a vote on any motion before it, unless as otherwise determined in the Terms of Reference or Establishing Bylaw; and in all cases, in the event of a tie vote, the motion is defeated.

Advisory Body	Council Liaison Voting Rights
Advisory Planning Commission – Land Use (formerly Advisory Planning Commission)	No (per LGA Section 461(5))
Advisory Planning Commission – Design (formerly Advisory Design Panel)	No (per LGA Section 461(5))
Heritage Commission	No
Heritage Foundation	No (per Bylaws and Constitution)
Public Art Advisory Committee	Yes
Oak Bay Tourism Committee	Yes
Additional Standing or Select Committees	Yes

(**Amended December 7, 2020)

- (b) Any Member who abstains from voting, without having declared a Conflict of Interest and leaving the meeting, is deemed to have voted in the affirmative. Proxy votes are not permitted.

(c) The names of Members who vote against a motion will be entered in the minutes as "Opposed."

20. Conflict of Interest

Committee Members shall familiarize themselves and act in accordance with the provisions set out in the Disclosure of Conflict section within the *Community Charter*. Committee Members who have a direct or indirect financial interest in a matter of another interest that constitutes a conflict of interest are not entitled to participate in the discussion of a matter or to vote on a matter. Members are required to state, in general terms, the reason why the member considers there to be a conflict of interest.

21. Budget

- (a) Unless otherwise provided for in the Terms of Reference or Establishing Bylaw, Committees and Commissions may request budget funds from Council for special projects or initiatives outlined in the Committee or Commission's Annual Work Plan as approved by Council. In collaboration with the Chair, the Staff Liaison shall submit the budget request to the Director of Financial Services as part of the annual financial planning process with Council, or as an additional request mid-year when achievable within existing budget.
- (b) Any solicitation or application for funds from other organizations, requires the prior approval of Council.
- (c) Committees and Commissions will have reasonable use of miscellaneous District services such as photocopying, paper supplies, meeting rooms etc., to be coordinated through the Staff Liaison and/or Recorder.

22. Personal Liability

No Committee or Commission Member will be liable in his or her personal capacity for any debt or liability of the Committee or Commission. The District will insure Members of Committees or Commissions against liabilities related to the responsible fulfillment of their duties as Members of the Committee or Commission.

23. Orientation

In order for the Committee or Commission Members to fully understand the operations of Council Committees and Commissions, staff will provide an orientation session bi-annually or as required. Members are required to attend all training sessions provided by the District, except where special permission has been provided by the CAO.

24. Media Relations

- (a) The Mayor is the official spokesperson for the District. A Committee or Commission Member will not speak to the media on behalf of the Committee or Commission. Any media inquiries to the Committee or Commission should be directed to the Staff Liaison or Corporate Officer.
- (b) Members may represent their own individual views as a resident of Oak Bay to the media, but may not represent those of the Committee or Commission. Reference to the individual being a Member of the Committee or Commission is prohibited when speaking to the media as this acknowledgement may imply that they are representing the views of the Advisory Body as a whole.

25. Website and Social Media

- (a) The District of Oak Bay's website is the go-to digital source for all District information. District staff are responsible for web and social media content and are available to work with Committees and Commissions to upload content onto the website. Requests for this assistance will be made by the Advisory Body Chair through the Staff Liaison to the Corporate Officer.
- (b) The District does not permit Committees and Commissions to maintain their own websites or social media accounts separate from the District's official sites.
- (c) Committees and Commissions may request a dedicated webpage on the District's website, as follows:
 - The Committee or Commission must pass a motion to request a dedicated webpage
 - The Advisory Body Chair shall then collaborate with the Staff Liaison to forward the request to the Corporate Officer, including a basic concept for webpage design and draft content
 - Webpage design and content is subject to the approval of the Corporate Officer and must adhere to District standards – Advisory Bodies are not permitted to develop or use their own logos or branding (i.e. colours, graphics, fonts, etc.)
 - Any required modifications to the draft design and content will be communicated back to the Committee or Commission by the Corporate Officer, through the Staff Liaison. Committees and Commissions are responsible to finalize the content in accordance with the Corporate Officer's requirements
 - Once the design and content is finalized and approved, the Corporate Officer will direct staff to implement the webpage as appropriate
 - Communications staff will monitor the webpage for consistency with District standards related to content and branding
 - The Recorder will act as web author for routine requests to update content on the Committee or Commission webpage. Any requests involving more extensive changes to content or design must be submitted to the Corporate Officer for review.

26. Code of Conduct

The conduct of Committee and Commission Members will be governed by the Council approved Code of Ethics that sets out expectations for Members in carrying out their duties and responsibilities and ensuring a Respectful Workplace, as required by WorkSafe BC, and in accordance with the District's current *Respectful Workplace Policy*.

27. Members Running for Office

- (a) Committee or Commission Members running for office in an election are generally not required to resign. Members should however be aware of the potential for Conflict of Interest and make decisions accordingly on their attendance and Membership on the Committee or Commission.
- (b) Members who are running for office will not use contact information of other Members to engage in election activities without the Members' explicit permission. District distribution lists may not be used for election activities.

28. Email Privacy and Information Sharing

The *Freedom of Information and Protection of Privacy Act* of British Columbia (FIPPA) allows applicants to request records in the care and custody of the District. Committee and Commission Members are reminded that FIPPA applies to all email correspondence related to District business, including those records sent to and/or received from personal email accounts. Should the District receive a request for records of this nature, the Member is required to produce a copy of the record to the Corporate Officer who then will determine if it

may be disclosed subject to FIPPA. Personal email and devices are not exempted from FIPPA and the District requires that Members conduct the Committee or Commission business in accordance with the applicable legislation and procedures.

Related Bylaws, Policies and Guidelines

- Council Procedure Bylaw
- Code of Ethics
- Respectful Workplace Policy

Appendix A – Types of Committees and Commissions

The following types of Committees or Commissions may be established in accordance with the *Community Charter* or *Local Government Act*.

Standing Committees

The Mayor may establish Standing Committees for matters in which the Mayor considers would be better dealt with by Committee and must appoint Members to those Committees. A Standing Committee will consider items within its mandate as determined by the Terms of Reference and report back to Council with or without a recommendation.

At least 50% of the Standing Committee Members must be Council Members and the remaining Members can be other than Council Members.

Select Committees

Council may establish a Select Committee to consider or inquire into a particular matter and report their findings and recommendations to Council. Appointments are made by Council, and at least one Council Member must be appointed to the Select Committee as a Council Liaison with full voting and Membership rights. The remaining Members can be recognized professionals, or Members from the community at large.

Select Committees provide advice and recommendations to Council on matters that are determined by Council and defined in the Terms of Reference. Council will provide direction to the Select Committees for undertaking projects such as work plans, checklists, policies, or other matters as appropriate.

Task Forces and Working Groups

The Mayor or Council may establish a Task Force or Working Group as either a Standing or Select Committee to look into a specific matter and provide advice and recommendations back to Council. The mandate of the Task Force or Working Group typically relates to a specific item and the body dissolves once it has reported its findings to Council.

The establishment and Membership of a Task Force is determined by the requirements noted above for a Standing or Select Committee. The procedural requirements for meetings also apply to Task Forces and Working Groups as provided for in the *Community Charter* and the Council Procedure Bylaw.

Commissions

A Council may establish and appoint a Commission to do one or more of the following:

- Operate services
- Undertake operation and enforcement in relation to the Council's exercise of its authority to regulate, prohibit and impose requirements
- Manage property and licenses held by the municipality.

Council may delegate some of its authority, by bylaw, to a Commission.

Advisory Planning Commission

Section 461 of the *Local Government Act* allows for Council, by bylaw, to establish an Advisory Planning Commission to advise Council on all matters respecting land use, community planning or proposed bylaws and permits under Divisions 4 to 14 of Part 14 and section 546 [*amendment or discharge of land use contracts*]

that are referred to the Commission by Council.

The bylaw must provide for the composition of the Advisory Planning Commission and the manner by which Members are appointed; the procedures governing the conduct of the Commission; and how matters will be referred to the Advisory Body.

At least 2/3 of the Members must be residents of the municipality and the following individuals are not eligible to be a Member, however they may attend in a resource capacity: a council Member; an employee or officer of the municipality; or an approving officer.

Schedule C: Respectful Workplace Policy



Policy	Respectful Workplace
Approved By:	Chief Administrative Officer
Approval Date:	December 7, 2020
Amendment Date:	January 20, 2025

POLICY STATEMENT

The District of Oak Bay is committed to providing a work environment in which all individuals are treated with mutual dignity and respect. Accordingly, the District of Oak Bay is committed to ensuring that bullying and harassment of employees at or in connection with work is not tolerated. The District will take steps to prevent discrimination, bullying and harassment by providing education to employees to recognize the potential for bullying and harassment, to respond, and to follow the procedures for reporting. It is our mutual responsibility to ensure that we create and maintain a harassment-free workplace and address this from all possible sources including all employees, elected officials, appointed committee members, contractors and anyone doing business with the District. This Policy is intended to comply with all relevant legislation and regulations including the British Columbia *Human Rights Code* and *Workers Compensation Act*.

PURPOSE

To promote a consistent understanding of a respectful workplace which is free from discrimination, bullying and harassment and to outline procedures for addressing concerns that may arise.

SCOPE

This Policy applies to all District of Oak Bay employees. Harassment of employees by elected officials (Council), appointed committee members, contractors and anyone doing business with the District is also prohibited. This is addressed in Council's Code of Ethics, workplace signage and through contractual terms/conditions and legislation.

This Policy applies to the workplace itself, and to work-related events. (refer to definition of "workplace" in the next section) It includes harassment involving District employees that happens away from the workplace or after regular working hours, where the harassment has a negative impact on the workplace.

DEFINITIONS

Respectful Workplace

A work environment where individuals treat each other with respect at all times which includes:

- Inclusion of people with different backgrounds, strengths and opinions;
- Safety from disrespectful, bullying or intimidating behaviours;
- Individual accountability for effective workplace relationships involving the constructive resolution of differences.



Discrimination

Discrimination is any unfair differential treatment of an individual or group on any of the prohibited grounds outlined within the *BC Human Rights Code* which includes: race, colour, ancestry, indigenous identity, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age or unrelated criminal conviction. Discriminatory harassment is a form of discrimination where abusive, unfair, offensive, or demeaning treatment of a person or group has the effect of interfering with an employee's work.

Harassment / Personal Harassment

Harassment (or personal harassment) is one or a series of incidents of behaviour directed toward a group or individual that a reasonable person would know or ought to know would cause offence, humiliation or intimidation. Such behaviour includes but is not limited to making derogatory comments to or about another person, swearing, yelling, derogatory gestures, gossip, reckless disregard or denial of another's rights or improper use of power or authority.

Harassment is NOT: legitimate job-related action performed in good faith by managers and supervisors. Such action may include giving work direction or assignments, conducting performance appraisals, attendance monitoring and implementation of disciplinary or other corrective actions.

Sexual Harassment

Sexual Harassment is a specific form of harassment prohibited under this Policy. Sexual Harassment entails sexually oriented comments, conduct, gestures, visual displays or contact including sexual remarks, leering, touching or other sexually oriented behaviour that creates an uncomfortable or offensive work environment.

Bullying

Bullying is any repeated or systematic behaviour, including physical, verbal or psychological conduct which would be seen by a reasonable person as intending to belittle, intimidate, coerce or isolate another person.

Complainant

An employee who believes that he or she has a complaint of conduct contrary to this Policy and is bringing forward the complaint.

Respondent

The individual against whom an allegation(s) of conduct contrary to this Policy has been made and who is responding to the allegation(s) made in the complaint.

Workplace

The workplace includes:

- District offices, buildings, facilities, vehicles or worksites;
- locations visited by employees while traveling on District related business including conferences, meetings, vendor/supplier or customer sites;
- locations of work-related social gatherings;
- internet/electronic communications;
- any other locations where the prohibited conduct may have a subsequent impact on the work relationship.

ROLES AND RESPONSIBILITIES

All employees and elected officials of the District are expected to contribute constructively to a respectful workplace environment that is collaborative, inclusive and embraces diversity.

District of Oak Bay



- The District has the primary responsibility to establish and maintain a work environment free of discrimination, harassment and/or bullying as defined in this Policy.

Mayor and Council Members are expected to:

- fully comply with Council's related Code of Ethics;
- be familiar with the Respectful Workplace Policy and not participate in discriminatory, harassing or bullying behaviour; and
- exemplify respectful speech and behaviour.

Employees are expected to:

- not engage in harassment or bullying of other employees;
- report if harassment or bullying is observed or experienced in the workplace; and
- apply and comply with the Employer's policies and procedures on harassment and bullying.

Directors/Managers/Supervisors/Fire Chief are expected to:

- clearly communicate this Policy to all employees; including new employees on the commencement of their employment;
- promote, within their area of responsibility, a work environment which is free from harassment and bullying and is supportive of the dignity and respect of every employee;
- participate in the annual review of the policy, for relevance and applicability to the organization;
- model inclusive and professional behaviour and not participate in discriminatory or harassing behaviour;
- immediately address any harassment or bullying that they may observe or of which they become aware; and
- ensure that harassment and bullying is not allowed, condoned or ignored and may be considered a party to the harassment if they fail to take corrective actions.

Human Resources will:

- champion respectful workplace behaviours and practices;
- ensure this Policy and related information is available and accessible;
- facilitate the annual review of the policy with the senior leadership team and make updates as needed;
- provide advice and/or guidance on the Policy and related processes;
- facilitate corporate training and development related to respectful workplaces;
- ensure a fair, prompt and equitable process is followed, and oversee the resolution/investigation process as may be required; and
- where appropriate, to facilitate joint involvement of management, union representatives and other staff to resolve issues.

COMPLAINT RESOLUTION PROCEDURES

Informal Process

Employees who believe they have been the subject of discrimination, harassment or bullying are encouraged to resolve the situation informally by making their concern known to the other party. This is an important step to ensure that the other party knows that his or her conduct is unwelcome. If after discussing a complaint with the other party, the complaint is dealt with to an individual's satisfaction, the issue is considered to be resolved. If the employee is uncomfortable informing the other party that their actions are unwelcome, they may seek assistance from a supervisor, manager, union representative or Human Resources Manager. The supervisor, manager, union representative or Human Resources Manager will meet with the parties (either separately or together) and attempt to mediate a resolution that is acceptable to both parties. If a solution is reached, the complaint will be deemed resolved.

All persons who believe that they have experienced discrimination, harassment or bullying should keep detailed notes about the issue.



Formal Process

In the event that the matter is not resolved to the Complainant's satisfaction, or if the employee chooses not to proceed informally, the employee may proceed with a formal complaint.

1. To file a formal complaint, the Complainant must complete a Respectful Workplace Complaint Form (Appendix A) and forward it to the individual(s) designated for the management of formal complaints as follows:
 - Human Resources Manager for all complaints except for those employees in the Human Resources Department
 - The Chief Administrative Officer (CAO) for complaints involving employees in the Human Resources Department or a member of Council

Depending on the circumstances, the Human Resources Manager or CAO may also consider first attempting an informal resolution if such has not already been taken.

For any complaints involving Council (including the Mayor), the CAO will appoint an external investigator.

2. Once a formal written complaint is received, the designated individual will begin a formal investigation if appropriate and will appoint an internal or external investigator to conduct a confidential investigation of the complaint.

The investigator will:

- notify the Respondent of the allegations of the complaint
- interview the Complainant (for unionized employees, a Union representative may be present at the Complainant's option)
- interview the Respondent (for unionized employees, a Union representative may be present at the Respondent's option)
- interview witnesses as determined by the investigator

Both the Complainant and Respondent will have an opportunity to identify possible witnesses or others to be interviewed. Every effort will be made to complete the investigation and document the findings within a reasonable timeframe.

3. At the conclusion of the investigation:

- a confidential report including the complaint investigation findings will be presented to individual designated for the management of the complaints. (Human Resources Manager or CAO).
- The Complainant and the Respondent will be advised of the outcome of the investigation having regard to the privacy interests of all parties.
- The individual designated for the management of the complaint (Human Resources Manager or CAO) will determine any appropriate corrective or disciplinary action to be taken. (See Section below – Remedies)

APPEAL PROCEDURE

If a Complaint or Respondent is not satisfied with the final decision in respect to the complaint, the following avenues may be considered:



- Unionized employees may speak with their Union about filing a grievance under the Collective Agreement. The timelines for filing a grievance will be applied.
- Management and Exempt employees may appeal to the CAO or designate in writing within 20 working days outlining their reasons for disagreement with the outcome of the complaint. The CAO's review will be limited to reviewing the investigator's report and the outcome as determined by the individual designated to manage the formal complaint to determine whether this Policy was reasonably and appropriately applied. The CAO will then issue a decision in writing either confirming the decision of the individual designated to manage the formal complaint or outlining an alternative outcome which will then constitute the District's final decision.

REMEDIES

In keeping with the procedures as set out above, where a complaint is substantiated, an appropriate remedy will be implemented. The determination of an appropriate remedy will be assessed on a case by case basis. This may include corrective action such as education and training, mediation or other conciliatory approaches, temporary or permanent changes to reporting structures or work assignments, and/or discipline up to and including termination of employment where applicable.

TIME LIMITS

The District reserves the right to consider any matter that comes to its attention at any time; however, Complainants are encouraged to bring concerns forward in a timely manner. A formal complaint must be made to the individual designated to manage formal complaints within six (6) months of the date of the last alleged incident of harassment.

It should be noted that there is a limitation period of six (6) months for a complaint under the *British Columbia Human Rights Code* to the *British Columbia Human Rights Tribunal* in respect of discrimination on a prohibited ground (see the definition of Discrimination).

CONFIDENTIALITY

To protect the interests of the Complainant and Respondent, confidentiality will be maintained throughout the resolution processes to the extent appropriate under the circumstances. Parties to a complaint, including witnesses, are not to share information or discuss details of the complaint.

All employees are expected to respect and preserve the confidentiality of any complaint and process under this Policy and to assist management in the informal resolution process or the formal investigation of any complaint by providing information as requested. This includes refraining from discussions or releasing information in any form except for the purpose of resolving the complaint.

Management and any investigator appointed by the District, insofar as possible, will keep all information concerning the complaint confidential. Confidentiality will be maintained throughout the process and information will be disclosed only to the extent necessary to carry out these procedures, including the conduct of a fair investigation and the implementation of corrective/disciplinary measures, and where disclosure is required under lawful authority. In all circumstances, only the minimum amount of information necessary will be disclosed.

RETALIATION



Any retaliation against any party involved in a complaint or complaint resolution process will not be tolerated. Retaliation may form the basis of a separate complaint and could result in disciplinary action up to and including dismissal.

MALICIOUS ALLEGATIONS

An investigation may determine that a complaint is not supported and that there is no breach of this Policy. Such a finding does not necessarily mean that the complaint was malicious. Malicious complaints are those where the complainant or others know there is no foundation to the complaint and where the complaint is filed for the purpose of bringing an adverse consequence to the respondent or another employee of the District. Such complaints are a breach of this Policy and any employee engaged in presentation or filing of such a complaint may be subject to discipline, up to and including dismissal.

RECORD KEEPING

The District will maintain all documentation pertaining to complaints in a confidential manner. If the allegations are not proven and there is no disciplinary action, there shall be no records of the complaint placed in the personnel files of the Complainant, the witnesses or the Respondent. However, documentation of the investigation shall be kept in a confidential file separate from the personnel files and maintained by the Manager of Human Resources in order to evidence the District's proper investigation of the formal complaint. Where a complaint is substantiated, documentation which outlines disciplinary action arising from an investigation shall be placed in the Respondent's personnel file.

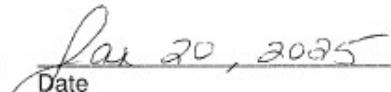
COLLECTIVE AGREEMENTS & LEGISLATION

In the event that any portion of this Policy is inconsistent with a binding District collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

RELATED POLICY, LEGISLATION & AGREEMENTS

District of Oak Bay Council Code of Ethics
British Columbia Human Rights Code
British Columbia Workers Compensation Act
Collective Agreement – District of Oak Bay and CUPE 374


Selina Williams, Chief Administrative Officer


Date



Schedule D: Council Code of Ethics



Policy	Council Code of Ethics
Approved By:	Council
Approval Date:	July 17, 2017
Amendment Date:	
Policy Holder:	Council

COUNCIL POLICY

Council Code of Ethics

POLICY

The District of Oak Bay strives to maintain and enhance the quality of life for all Oak Bay residents and businesses through effective, responsible and responsive government. To achieve this goal, Municipal Council commits to ensure that:

- Public business is conducted with integrity, in a fair, honest, respectful and open manner;
- Council members respect one another, the public and District recognize the unique role contribution each person has in making the District of Oak Bay a great place to live, work and play; and,
- Council members conduct in the performance of their duties are responsibilities will be above reproach.

REASON FOR POLICY

To set expectations for members of Council in carrying out their duties and responsibilities.

PROCEDURES

Code of Ethics:

1. Act in the Public Interest – Council members will conduct business with integrity, in a fair, honest and open manner.
2. Leadership – Council members will demonstrate and promote the key principles of the Code of Ethics through their decisions, actions and behaviour. Their behaviour should build and inspire the public's trust and confidence in local government. Council members will provide leadership to District staff through the Chief Administrative Officer.
3. Accountability – Council members are obligated to answer for the responsibility that has been entrusted to them. They are responsible for decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes should be transparent and subject to public scrutiny.



others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision-making.

5. Confidentiality – Council members will refrain from discussing or disclosing any confidential or personal information with or to Staff or with persons outside the organization except as authorized.
6. Communicate Decisions - Council members will accurately communicate the decisions of the Council even if they disagree with the majority decision of Council, and by doing so affirm the respect for integrity in the decision-making processes of Council.
7. Respectful Work Place – Council members shall treat other members, the public and District Staff with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their professional duties.



Schedule E: Oak Bay Special Powers Act

STATUTES

OF THE

PROVINCE OF BRITISH COLUMBIA

PASSED IN THE SESSION HELD IN THE TWENTY-FIFTH YEAR OF THE
REIGN OF HIS MAJESTY

KING GEORGE V.

BEING THE SECOND SESSION OF THE EIGHTEENTH PARLIAMENT OF BRITISH
COLUMBIA BEGUN AND HELD AT VICTORIA ON THE 12TH
FEBRUARY, 1935, AND ENDING ON THE 23RD MARCH

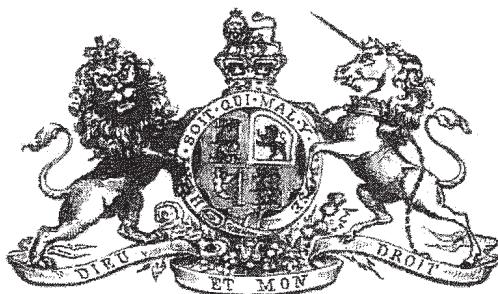
1935



HIS HONOUR J. W. FORDHAM JOHNSON
LIEUTENANT-GOVERNOR

VICTORIA, B.C.
Printed by CHARLES F. BANFIELD, Printer to the King's Most Excellent Majesty,
1935.





CHAPTER 54.

An Act respecting The Corporation of the District of Oak Bay.

[Assented to 23rd March, 1935.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Oak Bay Special Powers Act, Short title. 1935.”

2. (1.) Without prejudice to any powers and authorities vested in the Council of The Corporation of the District of Oak Bay by any Act of the Legislature, the said Council may by by-law make regulations, to apply only to that part of the Municipality of the District of Oak Bay known as “The Uplands” and being the area shown on the plan deposited in the Land Registry Office at the City of Victoria numbered 1216-A, or on any registered plan of resubdivision thereof, for any of the following purposes:—

Power of Council to make regulations applicable to The Uplands.

- (a.) Regulating and prescribing the class, minimum cost, and location of buildings; providing for the approving by the Council of the site and architectural design of buildings; limiting the number of buildings on any one lot; prescribing the purpose for which buildings may be used; and prohibiting the erection, reconstruction, maintenance, and use of buildings which do not comply with such regulations;
- (b.) Prohibiting or regulating the height and design of fences;
- (c.) Regulating the height of hedges;
- (d.) Prohibiting any trade or business;
- (e.) Prohibiting or regulating signs and advertisements and the keeping of certain kinds of animals;
- (f.) Prohibiting or regulating the situation aboveground of electric light, power, telephone, or other wiring on any



lot: Provided, however, that any prohibition or regulation under this clause shall not affect, impair, or retract any right that may now be held or enjoyed by the Consolidated Railway Company; the British Columbia Electric Railway Company, Limited; the Vancouver Island Power Company, Limited; or the British Columbia Telephone Company:

(g.) Prohibiting or regulating the further subdivision of lots and prescribing the minimum size of lots.

(2.) The regulations in one part of the area may differ from those in other parts.

(3.) The Council may, in any by-law made hereunder, provide for the enforcement of the regulations therein by inflicting fines and penalties, and the provisions in the "Municipal Act," or in any special Act applicable to the municipality, as to the authentication, quashing, and enforcement of by-laws and penalties for breach of by-laws shall apply to any such by-law.

(4.) Such regulations and any amendments thereto may be registered in the said Land Registry Office against the title to any or all lots upon application by The Corporation of the District of Oak Bay without payment of any fee.

3. Any such regulations may be enforced and the contravention thereof restrained by the Supreme Court upon action brought by the said Corporation, whether or not any penalty has been imposed for such contravention, and it shall be unnecessary for the Crown or the Attorney-General or any other officer of the Crown to be a party to such action.

Hearing of
interested parties
prior to making
of regulations.

4. The Council shall not make or amend any such regulations until it has held a hearing thereon, of which a notice stating the time and place of hearing has been published by insertion in not less than two consecutive issues of a newspaper published or circulating in the said municipality, so that the last of such insertions shall appear not less than three days nor more than ten days before the date fixed for the hearing, and at such hearing (which may be adjourned from time to time) all persons who deem themselves affected by the proposed regulations shall be afforded an opportunity to be heard before the Council on the matters contained therein. No notice of the by-law or regulations need be given to the persons affected thereby, but the notice of hearing shall state a place where and the days and hours within which a copy of the proposed by-law may be inspected. The Council may without notice, in the by-law as adopted and finally passed, give such effect as it deems fit to representations made at the hearing.

VICTORIA, B.C.:

Printed by CHARLES F. BANFIELD, Printer to the King's Most Excellent Majesty.
1835.



Schedule F: Uplands Regulations Bylaw



THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3545
(**amended by Bylaws No. 3975, 4237 and 4348)

A Bylaw to regulate that part of the Municipality of the District of Oak Bay known as "The Uplands"

WHEREAS pursuant to the Oak Bay Special Powers Act, 1935, the Municipal Council of The Corporation of the District of Oak Bay may make regulations applying only to that part of the Municipality of the District of Oak Bay known as "The Uplands";

NOW THEREFORE the Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 In this Bylaw,

Deleted.

(***Bylaw 4348, adopted Jun. 11/07*)

"ADVISORY DESIGN PANEL" means a body appointed by Council for non-binding guidance in matters of siting and architectural design;

(***Bylaw 4237, adopted Sep. 27/04*)

"BUILDING" means a structure wholly or partly enclosed by a roof or roofs, supported by walls, columns or posts and used for the shelter or accommodation of persons, animals or chattels and includes a portion or portions of a building as well as chimneys, steeples, attached decks, enclosed stairs, porches and balconies;

"CORPORATION" means The Corporation of the District of Oak Bay;

(***Bylaw 4237, adopted Sep. 27/04*)

"DIRECTOR OF BUILDING AND PLANNING" means the Director of Building and Planning for the Corporation, and includes a District of Oak Bay building official designated by him to act on his behalf;

(***Bylaw 4237, adopted Sep. 27/04*)

"DWELLING" means any building used or designed to be used as a place of residence;

"COUNCIL" means the Municipal Council of the Corporation;

(***Bylaw 4237, adopted Sep. 27/04*)

"LOT" means a parcel of land within the Uplands, shown as a lot on the plan of subdivision deposited in the Victoria Land Title Office and numbered 1216A, or on any plan of subdivision thereof deposited in the Victoria Land Title Office;

"PERSON" includes a corporation;



(**Bylaw 4237, adopted Sep. 27/04)

"UPLANDS" means that part of the Municipality known as "The Uplands", and being the area shown on the plan of subdivision deposited in the Victoria Land Title Office and numbered 1216A, or on any plan of subdivision thereof deposited in the Victoria Land Title Office.

(**Bylaw 4237, adopted Sep. 27/04)

- 2 No person shall erect, construct, reconstruct, place, maintain or alter any building within the Uplands or use any building or land within the Uplands except in compliance with this Bylaw.

- 3 REPEALED

(**Bylaw 4237, adopted Sep. 27/04)

- 3 No building, and no addition to or exterior alteration thereof, shall be erected, constructed, reconstructed, placed or maintained on any lot, and no building permit shall be issued, unless and until the proposal to erect or make the same, and architectural plans (including a siting plan), elevations and specifications thereof have first been submitted to and approved as to siting and architectural design by Council, and such building, addition or exterior alteration shall be constructed only in accordance with such approved plan or plans.
- 4 Prior to the consideration by Council of a resolution to approve plans as to architectural design and siting pursuant to Section 3:

- (1) the Director of Building and Planning shall, notwithstanding anything contained in the *Sign Bylaw, 1997*, or its successors, cause a sign of dimensions not less than 27 cm by 21 cm to be erected on the boulevard adjoining the property which is the subject of the application, on each street frontage thereof, with such sign;

- (a) to have been posted:

- (i) for not less than ten (10) consecutive days immediately prior to the date of the first consideration of the application by Council or a Committee of Council duly charged in that regard; or
 - (ii) , in respect of an application which is routed through an advisory design panel for review, for not less than four (4) consecutive days prior to the date of the first review of the completed application by the advisory design panel,

whichever is earlier;

- (b) to contain the following wording:

"This site is the subject of an application for a building permit that requires local government approval as to siting and architectural design. Plans may be viewed at the Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, British Columbia, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, excluding holidays.";

- (2) Council may seek and obtain the advice of an advisory design panel.

(**Bylaw 4237, adopted Sep. 27/04)

(**Bylaw 4348, adopted Jun. 11/07)

- 5 No dwelling shall be erected, constructed or reconstructed with a design the same, substantially the



building lot, and a dwelling the design of which has been approved by Council pursuant to Section 3 shall be deemed to be an existing dwelling for the purpose of this Section.

(**Bylaw 4237, adopted Sep. 27/04)

- 6 (1) No person shall without authority from the Director of Building and Planning remove, deface or tamper with any sign erected pursuant to Section 4(1).
- (2) The validity of a permit issued pursuant to any approval given under this Bylaw shall not be affected by non-compliance with the requirement as to duration and timing of posting under Section 4(1)(a), provided that the required sign was erected by a date and time which, if not for unauthorized removal, would have allowed for compliance with that requirement, and provided also that such removal was not attributable to any instruction or action on the part of the applicant, his agent or the Corporation.
- (3) *Deleted.*
(**Bylaw 3975, adopted Apr. 14/98)
(**Bylaw 4348, adopted Jun. 11/07)
- 7 The keeping on any lot of any cow, ass, horse, goat, sheep, swine or poultry is prohibited.
- 8 The keeping on any lot of more than two (2) dogs over the age of three (3) months is prohibited.
- 9 All bylaws of the Corporation apply to the Uplands except insofar as they may conflict with this Bylaw, in which case this Bylaw prevails.
(**Bylaw 3975, adopted Apr. 14/98)
- 10 Every person who contravenes this Bylaw shall, on conviction, be liable to a fine of not less than One Hundred Dollars (\$100.00) nor more than Ten Thousand Dollars (\$10,000.00).
(**Bylaw 3975, adopted Apr. 14/98)
- 11 Bylaw No. 3223, being the "Uplands Regulations Bylaw, 1977", including all amendments thereto, is hereby repealed, except that Section 5(6) thereof shall continue to apply to a dwelling in respect of which a building permit has been issued prior to the date of adoption of this Bylaw, and except as to its application to any acts or things existing at this date that are contrary to the said Bylaw, as amended, which Bylaw shall continue to be in force as to such acts or things, and nothing herein shall be deemed to validate such acts or things.
- 12 This Bylaw may be cited as the "***UPLANDS REGULATIONS BYLAW, 1987***".

READ a first and second time by the Municipal Council on December 22, 1986

PUBLIC HEARING held on January 12, 1987

READ a third time by the Municipal Council on January 12, 1987

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on January 26, 1987

Mayor

Municipal Clerk



Sealed with the Seal of The Corporation of the
District of Oak Bay.



Schedule G: Community Charter Conflict of Interest



BC Community Charter Conflict of Interest

Disclosure of conflict

100 (1) This section applies to council members in relation to

- (a) council meetings,
- (b) council committee meetings, and
- (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].

(2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has

- (a) a direct or indirect pecuniary interest in the matter, or
- (b) another interest in the matter that constitutes a conflict of interest,

the member must declare this and state in general terms the reason why the member considers this to be the case.

(3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) [*restrictions on participation*].

(4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may

- (a) return to the meeting or attend another meeting of the same body,
- (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
- (c) after this, participate and vote in relation to the matter.

(5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 [*restrictions on participation if in conflict*].

(6) When a declaration under subsection (2) or a statement under subsection (4) is made,

- (a) the person recording the minutes of the meeting must record
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and



(iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and

(b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

Restrictions on participation if in conflict

101 (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.

(2) The council member must not

(a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,

(b) participate in any discussion of the matter at such a meeting,

(c) vote on a question in respect of the matter at such a meeting, or

(d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on inside influence

102 (1) A council member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken

(a) at a meeting referred to in section 100 (1) [*disclosure of conflict*],

(b) by an officer or an employee of the municipality, or

(c) by a delegate under section 154 [*delegation of council authority*],

if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.



Restrictions on outside influence

103 (1)In addition to the restriction under section 102, a council member must not use his or her office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2)A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Exceptions from conflict restrictions

104 (1)Sections 100 to 103 do not apply if one or more of the following circumstances applies:

- (a) the pecuniary interest of the council member is a pecuniary interest in common with electors of the municipality generally;
- (b) in the case of a matter that relates to a local service, the pecuniary interest of the council member is in common with other persons who are or would be liable for the local service tax;
- (c) the matter relates to remuneration, expenses or benefits payable to one or more council members in relation to their duties as council members;
- (d) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter;
- (e) the pecuniary interest is of a nature prescribed by regulation.

(2)Despite sections 100 to 103, if a council member

- (a) has a legal right to be heard in respect of a matter or to make representations to council, and
- (b) is restricted by one or more of those sections from exercising that right in relation to the matter,

the council member may appoint another person as a representative to exercise the member's right on his or her behalf.



Restrictions on accepting gifts

105 (1) A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.

(2) Subsection (1) does not apply to

- (a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,
- (b) compensation authorized by law, or
- (c) a lawful contribution made to a member who is a candidate for election to a local government.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of gifts

106 (1) This section applies if

- (a) a council member receives a gift or personal benefit referred to in section 105 (2) (a) that exceeds \$250 in value, or
- (b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.

(2) In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating

- (a) the nature of the gift or benefit,
- (b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,
- (c) when it was received, and
- (d) the circumstances under which it was given and accepted.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.



Disclosure of contracts with council members and former council members

107 (1)If a municipality enters into a contract in which

(a) a council member, or

(b) a person who was a council member at any time during the previous 6 months,

has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a council meeting that is open to the public.

(2)In addition to the obligation under section 100 [*disclosure of conflict*], a council member or former council member must advise the corporate officer, as soon as reasonably practicable, of any contracts that must be reported under subsection (1) in relation to that person.

(3)A person who contravenes subsection (2) is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on use of insider information

108 (1)A council member or former council member must not use information or a record that

(a) was obtained in the performance of the member's office, and
(b) is not available to the general public,

for the purpose of gaining or furthering a direct or indirect pecuniary interest of the council member or former council member.

(2)A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disqualification from office for contravening conflict rules

108.1 A person disqualified from holding office under this Division is disqualified from holding office

(a) on a local government,

(b) on the council of the City of Vancouver or on the Park Board established under section 485 of the *Vancouver Charter*, or

(c) as a trustee under the *Islands Trust Act*



until the next general local election.

Court order for person to give up financial gain

109 (1) If a council member or former council member has

- (a) contravened this Division, and
- (b) realized financial gain in relation to that contravention,

the municipality or an elector may apply to the Supreme Court for an order under this section.

(2) Within 7 days after the petition commencing an application under this section is filed, it must be served on

- (a) the council member or former council member, and
- (b) in the case of an application brought by an elector, the municipality.

(3) On an application under this section, the Supreme Court may order the council member or former council member to pay to the municipality an amount equal to all or part of the person's financial gain as specified by the court.

(4) In the case of an application made by an elector, if the court makes an order under subsection (3), the municipality must promptly pay the elector's costs within the meaning of the Supreme Court Civil Rules.

(5) The court may order that costs to be paid under subsection (4) may be recovered by the municipality from any other person as directed by the court in the same manner as a judgment of the Supreme Court.

(6) Except as provided in subsection (4), the costs of an application are in the discretion of the court.



Schedule H: UBCM Land Use Regulation Fact Sheet





LAND USE REGULATION

Legislative Framework

Parts 13, 14 and 15 of the *Local Government Act* (LGA) contain most of the legislative provisions for local governments that relate directly to planning and land use management. Part 14 is the core section, which provides the framework and tools for the local government planning system. Heritage conservation provisions are in Part 15 and Part 13 contains the enabling legislation for Regional Growth Strategies (RGS).

The *Community Charter* provides municipalities with most of their powers to regulate buildings and other structures, as well as other powers related to planning, such as tree protection authority and concurrent authority for protection of the natural environment. Municipalities cannot use the fundamental powers provided by the *Community Charter* to do anything specifically authorized under LGA Part 14 [CC s. 8(7)(c)].

Summary of Permits

Part 14 of the *Local Government Act* also provides local governments with a range of permitting powers in relation to:

Division Topic	LGA Section
9 Development permits	484-491
9 Development Variance Permits**	498-499
9 Temporary Commercial & Industrial Use	492-487
9 Tree Cutting	500
Part 27 Heritage Alteration	617

***Issuance of these permits may not be delegated to staff.*



Summary of Bylaw Powers

Part 14 of the *Local Government Act* allows local governments to adopt a wide range of planning and land use bylaws within their boundaries:

Division Topic	LGA Section (CC=Community Charter)
2 Official Community Plans	471-478
4 Public Hearings	464-470
5 Development Approval Procedures*	460
5 Advisory Planning Commission	461
6 Board of Variance*	536-544
7 Zoning and Other Development Regulation	479-483
7 Phased Development Agreements	515-522
7 Parking	525/CC 188(2), 189, 65
7 Drainage	523
7 Signs	526/CC 8(4)
7 Screening and landscaping	527
7 Floodplains	524
8 Farming	551-555
9 Development permit areas	488
9 Development approval information	484-487
10 Development Costs Recovery	558-570/CC 188(2)
11 Subdivision and dedications	506-514/CC 188(2)

* If a community has adopted an Official Community Plan or zoning bylaw, it must adopt these bylaws.

Regional Growth Strategy

Part 25

Regional districts have authority to prepare a regional plan or Regional Growth Strategy (RGS) for the purpose of guiding both municipal and regional district decisions on growth, change and development. The Province can require a regional district to prepare a RGS if a region is experiencing rapid growth. The RGS normally covers the whole regional district, however the Minister can authorize preparation of an RGS at a sub- regional or multi-regional level.

An RGS covers a period of 20 years or more and is intended to focus on key issues that are best managed at a regional scale. Section 429 outlines five essential elements: housing; transportation; regional district services; parks and natural areas; and economic development. The RGS must also include: social, economic and environmental objectives; population and employment projections; targets for GHG emissions in the regional district; and a list of actions required to meet the projected needs for the population. The board has the flexibility to include additional matters.



Consultation with affected parties is required in accordance with section 434. Before the RGS can be adopted it must be referred to affected local governments (member municipalities and adjacent regional districts) for acceptance. Minister's approval is not required, however in the event that there is a conflict in acceptance of the plan the Minister can instruct the parties on the method used to reach agreement.

Once an RGS is adopted, each municipality has 2 years to add a "regional context statement" (RCS) to its official community plan [LGA s. 446]. The RCS sets out the relationship between the RGS and the OCP, and shows how they will become consistent over time. The municipal council refers the RCS to the regional board for acceptance, and the same processes for resolving differences apply as they do for the RGS.

Regional Growth Strategies are implemented in a variety of ways. "Implementation agreements" [LGA s.451] are partnerships between the regional district and other levels of government and other organizations which specify how certain aspects of the RGS will be carried out. For example, the agreement may relate to the construction and funding of new or upgraded highways, sewers, hospitals or regional parks.

Official Community Plan

A municipality or regional district may adopt, by bylaw, one or more Official Community Plans (OCP). The local government can decide the area the plan applies to and the number of plans it wants.

While OCPs do not require the Council or Board to proceed with any project contained in the plan, all bylaws or works undertaken by local government must be consistent with the plan. The plan is a statement of policy and does not directly regulate the use of private property; this is the role of regulatory bylaws such as the zoning bylaw (see below).

An OCP is a statement of objectives and policies to guide planning and land use decisions within the area covered by the plan. The legislation provides a list of purposes and goals that OCPs (and regional growth strategies) should work towards (s. 471 and s. 428). OCPs must contain the content listed in section 473 (s. 429 for Regional Growth Strategies) which includes approximate location, amount and type of land uses. OCPs *may* contain any of those matters listed in section 474 including policies relating to social needs, enhancement of farming and the natural environment. Section 446 provides a requirement for a regional context statement in OCPs where a Regional Growth Strategy is in place.

In addition to topics identified in the Act, the Minister can require or authorize that policies be developed on other matters.

A local government can include statements in an OCP on matters over which it does not have jurisdiction. Such statements are referred to as "advocacy policies". Advocacy policies may only state the local government's broad objective for areas within provincial jurisdiction [LGA s.474] and their context should clearly indicate that such statements differ in kind from within-jurisdiction policy statements in the plan.



Local governments can enact zoning bylaws without having an OCP in place, however an OCP is required if a local government wants to use development permits. Development permits are discussed below. They are: arguably, the second most important tool available to local government for regulating development (after zoning). The special conditions or objectives that the development permit area is intended to address, must be described in the OCP.

Section 475 requires local governments to provide one or more opportunities for consultation with persons, organizations and authorities that it considers will be affected when adopting, amending or repealing an OCP. This is in addition to the public hearing requirements. Also, at the time of preparing or amending the plan (and not less than once a year) the local government must consult with school boards regarding the planning of school facilities.

To adopt or amend an OCP, a local government must follow the procedures outlined in section 477 of the Act. For regional districts, there is no longer a requirement for Ministerial approval of Regional District OCP, zoning, subdivision servicing, and temporary use bylaws. Ministerial approval is still required for the Resort Municipality of Whistler, the Resort Municipality of Sun Peaks, and Islands Trust. The *LGA* does provide discretionary authority for the Minister to require approval of regional district bylaws (LGA s. 585). An OCP that applies to land in the Agricultural Land Reserve must be referred to the provincial Agricultural Land Commission.

Zoning Bylaw

The principal land use regulatory bylaw, the zoning bylaw divides the area it covers into zones (and can also divide the area above sites into "vertical zones"). For each zone, local government can regulate:

- the use of land, building and structures (including prohibiting uses);
- the density of use, buildings and structures;
- the siting, size and dimension of buildings and structures; and
- the area, shape and dimensions of parcels created by subdivision (including strata title "bare land" subdivisions) [LGA s. 479].

The regulations may be different for different zones, uses within a zone, standards of works and services provided, (e.g., different parcel sizes when on sewer or on a septic tank) or siting circumstance, (e.g., different setbacks for residences along a watercourse). Like uses must be treated similarly within a zone, (e.g., the rules for single family dwellings in the same zone and in similar circumstances must be applied uniformly).

The zoning bylaw can include incentives for the provision of amenities or affordable housing by establishing higher levels of density if the conditions are met [LGA s.482]. This is sometimes called "bonus zoning" or "density bonusing." The bylaw can only use density as an inducement; it cannot provide for additional uses if the conditions are met.

Rezoning can be initiated by a property owner or by the local government. Rezoning of individual properties, including creating a new zoning category



for an individual property, is permitted. If a local government has zoning it must also have a procedures bylaw that establishes the process for owners to apply for rezoning [LGA s. 460] and it must establish a board of variance to whom property owners who face particular hardship can apply for minor relaxations of full compliance with the regulations [LGA s. 536]. A fee to cover the cost of processing the applications may be charged [LGA s. 462]. The council or board must consider any rezoning applications that they receive, but they are not obliged to introduce a bylaw before turning down an application.

The process of responding to an application for a rezoning frequently involves negotiation regarding the nature of the development that the owner intends to build. If the council or board believes that it is in a strong bargaining position it might anticipate that the owner will be willing to voluntarily offer to include design features or contribute amenities to the community that are not legally required if that might help ensure a “yes” vote on the rezoning application. Great care must be taken in the wording of these discussions with developers. There is no provision in the legislation for “selling zoning,” and common law tradition forbids the practice. If the provision of voluntary amenities is a consideration in rezoning separate legal contractual arrangements may be required to ensure that they are provided.

A rezoning that narrows the uses that are permitted on a property, changes the permitted use to less valuable ones, or which reduces the permitted density of development, is often called a “down-zoning.” Since down-zoning can result in lower property values or loss of development opportunity, from the owner’s perspective this may seem like an unfair infringement on property rights. However, in our Common law tradition, “property rights” are subject to whatever laws are duly enacted, and down-zoning is permitted without the owners’ consent. Section 458 of the LGA provides that no compensation is payable to the owner for any resulting reduction in the value of the land (provided that the zoning does not restrict the use of the land only to public uses).

Developers of multi-phase projects that may take years before final completion may desire assurance that the zoning will not change in the meantime, especially if they obtained their zoning in consideration of amenities that they have offered the community. Sections 515-522 of the LGA enable phased development agreements which can provide such assurance for up to ten years, or 20 years with the approval of the Inspector of Municipalities.



The first of these has already been mentioned: a development permit can provide flexibility, provided that it is related to the purpose of the development permit area.

Alternatively, on application of an owner, a local government may, by resolution, issue a development variance permit that relaxes the provisions of a regulatory bylaw (e.g., zoning, subdivision servicing, parking, etc.). A development variance permit may not vary use, density, flood plain specifications, or a phased development agreement [LGA s. 498-499]. Notice must be given to the owners and tenants of nearby properties. Although no public hearing is required, councils and boards usually provide an opportunity for affected parties to express their views on the variance.

As a third alternative, if site circumstances create a hardship for the owner to comply with the bylaw, the owner can apply to the Board of Variance (BoV) for a variance. All local governments that have zoning must establish a BoV. The types of variances that a BoV can approve are similar to those that the council or board can approve, however, the BoV may only order minor variances that address the hardship. It is possible that as appointed volunteers, BoV members may be more prone to make their decisions based upon the merits of the proposal rather than its popularity with the neighbours.

These two latter approaches to variance are separate from each other. An owner who has been turned down by one body can go to the other for an approval.

Development Cost Charge Bylaw

Development Cost Charges (DCCs) are fees that municipalities and regional districts choose to collect from new developments to help pay for the costs of specific off-site services that are needed to accommodate growth. The fees that are charged must relate to the average actual costs the local government expects to incur in developing the off-site services.

Local governments are limited in the types of services they may fund using DCC revenues. Specifically, DCCs may be used to help offset costs associated with the provision, construction, alteration or expansion of: waterworks, sewer trunks, treatment plans and related infrastructure, drainage works and major roads.

DCCs may also be collected to assist in the acquisition and development of parkland but may not be used to pay for other types of services. DCCs may be imposed on most, but not all, development in a community (e.g., not places of public worship). Monies raised must be placed in reserves and can only be used for the purposes for which they were collected.

The Inspector of Municipalities (Ministry of Municipal Affairs and Housing) must approve DCC bylaws and local government must be able to provide information to the public on how the cost charges were determined.

Subdivision Standards and Dedication

Section 514 of the LGA includes special provisions to allow subdivision of rural lots smaller than their zoning would normally permit to build a residence for a relative. The same section includes ability for local government to establish separate minimum lot sizes for such lots that can have the effect of moderating the provision.

A subdivision servicing bylaw sets out the standards for the infrastructure that the developer builds that will later be maintained by the public. This includes roads, sidewalks, boulevards, boulevard crossings, transit bays, street lighting and underground wiring, water systems, fire hydrants, sewage collection and disposal systems, and drainage collection and disposal systems. Connection to community water, sewer or drainage systems can be required. It may also require services to be provided adjacent to the subdivision or development that is directly attributable to that subdivision or development.

Unless the local government provides otherwise, subdividers are required to dedicate lands for parkland, highways and school sites or provide cash-in-lieu as a contribution to the local government's park acquisition fund. This requirement does not apply if the subdivision would create fewer than three additional lots. By default, the legislation requires that 5% of the land being subdivided is to be dedicated for parks. Local governments can decide to accept a lesser amount of land, may specify what types of land they want included in the parkland dedication, or may limit the subdivider's options regarding provision of cash-in-lieu instead of land. They do this through a parkland acquisition policy in their community plan. In the case of regional districts, they must have the parks function and provide parks services in order to receive cash-in-lieu.

Under section 574 and 577, a local government and school board may enter into an agreement respecting payments or the provision of land for school sites. The charges can apply to development at the time of subdivision or when building permits are issued. School site acquisition charges are set by school boards in accordance with a formula specified in sections 575-576.

Building Regulation

The BC Building Code (based on the National Building Code) sets the standards for the construction of and changes to buildings and applies across BC except on Federal lands and on First Nations reserves, unless a First Nation opts in or a treaty includes provision for the BCBC application. The BC Building Code applies to all construction whether or not the local government undertakes building inspections or requires a building permit.

Community Charter & Local Government Act

The *Community Charter* provides municipalities with general authority to regulate, prohibit or impose requirements related to buildings and other structures [s. 8(3)(l) and 53-58]. Regional district regulatory authority in relation to buildings is provided by the *Local Government Act* [s. 297-300]. Some *Community Charter* provisions also apply to regional districts [LGA s. 302].



Schedule I: UBCM Planning & Procedures Fact Sheet



PLANNING & PROCEDURES

SECTION **26**

Roles in Planning and Development Processes

Planning and development processes involve a great many individuals and groups in the community. The *Local Government Act* (LGA) recognizes special roles for many of these individuals and groups including:

- Local government - the Municipal Council or Regional District Board;
- Advisory Planning Commissions;
- Boards of Variance;
- Approving Officer;
- Building Inspector;
- Minister of Municipal Affairs and Housing;
- Inspector of Municipalities; and
- Other Ministries (e.g. Agriculture, Environment and Climate Change Strategy, Transportation and Infrastructure).

Ultimately, however, the local elected representatives on the council or board are responsible for defining the development objectives of the community, and based upon a realistic strategy to achieve them, for developing appropriate policies and bylaws.

Local Government Powers

Parts 13, 14 and 15 of the *Local Government Act* provide both municipal councils and regional districts with a wide range of tools to manage land use. These include the power to adopt Official Community Plans (and for regional districts, a Regional Growth Strategy); adopt different kinds of regulatory bylaws; issue development permits; development variance permits and temporary use permits; decide whether other types of permits will be required; establish an Advisory Planning Commission; and determine Development Cost Charges and application fees. (Note that the *Community Charter* provides municipalities with additional powers related to land use such as the ability to regulate buildings and other structures and powers related to environmental protection).

The major distinctions between council and board powers in these areas relates to greater involvement in the adoption procedures by the Minister of Municipal Affairs and Housing who had an approval role for certain regional district bylaws. The Ministry's approval role was recently changed with Bill 17 adopted in 2014, which no longer requires for Ministerial approval of Regional District OCP, zoning, subdivision servicing, and temporary use bylaws.



Ministerial approval is still required for the Resort Municipality of Whistler, the Resort Municipality of Sun Peaks, and Islands Trust. The LGA does provide discretionary authority for the Minister to require approval of regional district bylaws [LGA s.585].

Land Use Processes and Procedures

The *Local Government Act* sets out requirements that municipalities and regional districts must follow in relation to the exercise of land use powers:

- adoption or amendment of a regional growth strategy [s. 436 & 452]
- adoption or amendment of an Official Community Plan [s. 477]
- public hearing procedures [s. 464-470]

In terms of procedures, the Act also requires:

- a development approval procedures bylaw to be adopted;
- a list of all bylaws and permits to be maintained for the public;
- public notice(s) of temporary commercial & industrial use permits; and
- filing or removing of a notice of certain permits on title in the Land Titles Office as part of the permit process.

A local government may, in addition to the procedures bylaw, prepare an application information package or procedures manual for applicants describing the steps for amendment or approval of permits and bylaws, the requirements to be met at each step, the relevant application forms indicating what information is required, and applicable fees. Such a manual is for information only and does not supersede a procedures bylaw.

Public Process Requirements

There is a requirement in the LGA that local governments must, during the development, repeal or amendment of an OCP, provide one or more opportunities for consultation with persons, organizations or authorities the local government considers would be affected. Section 475 provides a list of parties a local government must consider consulting. These include: the adjacent regional district and municipality; First Nations; school boards; greater boards, and improvement district boards; and provincial and federal government departments and their agencies.

The LGA requires public hearings for the types of bylaws that have the greatest potential to affect how people can use their property. A public hearing, together with the related public notice and information requirements, and the stipulation that deliberations must take place in an open session, are among the most important protections for people's rights that are associated with land use and other regulatory powers. In addition to the provisions contained in the legislation, the courts have inferred many restrictions and requirements related to these protections.



In addition to consulting during the development of an OCP bylaw, councils and boards are required by the legislation to conduct public hearings prior to third reading of OCP bylaws, zoning bylaws and heritage designation bylaws, as well as heritage revitalization agreement bylaws which would change the use or density of use of property. Local governments are also required to consider all applications for OCP and zoning bylaw amendments.

It is the responsibility of the chair of a public hearing to establish procedural rules for the conduct of the hearing, but these rules must meet certain court-established expectations of fair process.

The role of the public hearing is to provide an opportunity for the public to convey its views to the elected representatives. It is a venue for hearing, not debating. Care must be taken that the rules of procedure are fair to all and are applied even-handedly.

Any information that the council or board will be using for its decision-making must be made available for the public to review before the public hearing. Any person who believes that their interests would be affected by the bylaw being considered has a right to be heard at the public hearing. These individuals do not need to be a resident within the jurisdiction or own nearby property.

The full board or council need not attend every public hearing. Holding the hearing can be delegated to one of the board or council members, who is responsible for providing a written summary for his or her colleagues.

Advisory Planning Commission

A council may establish an Advisory Planning Commission (APC) to advise it on all matters referred to it by Council respecting land use, community planning or proposed bylaws and permits. A regional board may establish one or more APCs in its electoral areas for these same purposes [s. 461].

Elected officials and staff can attend APC meetings but they cannot be voting members. Some of the other features of an APC are:

- the APC procedures, composition and the types of matters it will consider can be set by the Council or Board in an APC bylaw.
- at least two-thirds of the members must be residents of the area;
- APC members do not receive remuneration but can be reimbursed for their expenses;
- APC meetings must be held in public, only going *in-camera* under the same circumstances that the council or board can meet in private;
- minutes must be kept and be made available to the public on request; and
- applicants for bylaw amendments or permits are entitled to be heard (others can be heard if the APC bylaw provides).



Board of Variance Any local government that has zoning must establish a Board of Variance (BoV). A regional district may appoint separate boards for different areas. The BoV may have three to five members depending on the community's population. Members are appointed by the local government.

The members of the BoV appoint their own chair. Procedures, other than those established in the legislation, must be specified in the bylaw that creates the board. BoV members cannot receive compensation, but appropriate expenses of each member must be paid from the annual budget of the local government.

A Board of Variance can determine if compliance with certain provisions of the zoning bylaw would cause undue hardship due to individual site circumstances, and if so, it may grant a minor variance from full compliance with the bylaw. Such a variance cannot vary the permitted uses and density established by zoning, substantially affect adjacent landowners, adversely affect the natural environment, or result in inappropriate development of the site or defeat the intent of the bylaws, conflict with covenants, land use contracts, or floodplain or heritage protection provisions. A decision of the BoV in granting a minor variance is final and cannot be appealed to the courts except on matters of legal interpretation.

Owners and occupiers of land which is the subject of an application before the board or which is adjacent to the subject land, must be informed that a variance has been requested and notified of the time and place where the application will be heard but the legislation does not require the BoV to hold a public hearing on the matter. Each board is responsible for maintaining a record of its decisions and for ensuring that it is available to the public.

A BoV may also determine if a building inspector's decision regarding the proportion of a building that has been damaged or destroyed is in error. This can be important if a "legal non-conforming" building that cannot be replaced under the current zoning is partially damaged. If an applicant or the local government feels the board has erred in its decision respecting the building inspector's determination of building damage, they can appeal the decision to the courts.



Approving Officer

The role of the Subdivision Approving Officer is primarily defined in the *Land Title Act*. The Approving Officer is appointed by council in a municipality, and is an official of the Ministry of Transportation and Infrastructure in electoral areas outside of municipal boundaries.

While the Approving Officer may be a municipal employee, when acting in the capacity of Approving Officer he/she is responsible to the Province to carry out the statutory duties. An Approving Officer cannot receive policy direction from the council or board except through official channels such as bylaws (including the Official Community Plan), and even through those channels, cannot accept any instructions that conflict with the statutory responsibilities.

In considering approval of a subdivision, the Approving Officer must ensure: conformity with provincial legislation and local government bylaws; provision of infrastructure in accordance with the standards set by the local government's servicing standards bylaw; and require highway dedication and parkland acquisition. The Officer's decision is governed by the bylaws in place at the time of subdivision application and not amendments that local government may make in the interim.

Minister of Municipal Affairs and Housing

The Minister's powers include the ability to:

- establish regulations regarding application and inspection fees, regulate installment payments of development cost charges; and
- require a Regional Growth Strategy

Previously, Ministerial approval was required for regional district OCPs, zoning, subdivision servicing, and temporary use bylaws. However, this was changed in 2014 with Bill 17. Ministerial approval is still required for the Resort Municipality of Whistler, the Resort Municipality of Sun Peaks, and Islands Trust. The *LGA* provides discretionary authority for the Minister to require approval of regional district bylaws [LGA s.585].

The Minister has a broad power under s. 584 of the *LGA* to intervene in any municipal and regional district land use matters if the minister considers a local bylaw to conflict with significant provincial interests.

Inspector of Municipalities

With respect to land use matters, the Inspector must approve all Development Cost Charge (DCC) bylaws [LGA s.560] and phased development agreements for a term longer than ten years [LGA s. 517]. The Inspector may also revoke approvals, and inquire into the status of development cost charge reserve funds and order monies transferred out of such reserves to other capital funds.



Other Ministries

The process of developing or amending an OCP will likely involve a number of provincial ministries and/or federal departments including:

Federal Government

Department of Fisheries and Oceans	fisheries
Transport Canada	airports, ports

Provincial Government

Environment	sensitive areas & provincial parks
Forests, Lands and Natural Resource Operations	Crown & privately managed forest land
Agriculture	Crown land, aquaculture
Transportation & Infrastructure	provincial highways

Others, such as the provincial Agricultural Land Commission, BC. Hydro and Ministry of Energy and Mines, may also be involved. Certain ministries are directly involved in local land use matters through provisions of the *Local Government Act*.

Environment:	floodplains and floodplain specifications [s.524]
Agriculture:	intensive agriculture regulations [s.551]

Transportation and Infrastructure: approval of permits for commercial and industrial buildings exceeding 4,500 m² [s.505] and zoning near highway intersections [*Transportation Act* s. 52].

Voting on Plans and Bylaws

All local government bylaws require passage by a simple majority of those present (or, in the case of regional boards, those entitled to vote under sections 196-197). Two exceptions are:

- OCPs require an affirmative vote of a majority of all Council members (or Board members eligible to vote) to pass [LGA s. 477]; and
- members absent from a public hearing can vote only if they have received an oral or written report of the hearing [LGA s. 470].

As an exception to the general rule that municipal bylaws can only be adopted one full day after third reading [CC s. 135], an OCP or zoning bylaw can receive final adoption at the *same meeting* it receives third reading [LGA s. 477(6), 480, 548(5)].

Participation in Regional District Planning

All electoral areas must participate in the planning function of a regional district. All municipalities must participate unless they have given notice that they do not wish to participate or they have established an agreement with the regional board to participate on a limited basis. Only those members participating and sharing the cost of the planning function can vote and the vote is on the basis of one person - one vote [LGA s. 206-2014].

Updated November 2018



Schedule J: Meeting Agenda Template





AGENDA

For the [insert name of Advisory Body] meeting to be held in the
[insert location]
[insert date] at [insert time]

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 people known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

Note – order of business is set as per Council Procedure Bylaw, 2020.

CALL TO ORDER

ADOPTION OF MINUTES

1. Adoption of Minutes from [insert name of Advisory Body] meeting of [date].

APPROVAL OF AGENDA

2. Approval of Agenda as presented or amended.

UNFINISHED BUSINESS FROM PREVIOUS MEETING

3. Example: Unfinished Business Item #1
Update from A. Alpha, Staff Liaison

MEETING MATTERS

- A. STAFF REPORTS, APPLICATIONS AND RESULTING RECOMMENDATIONS TO COUNCIL
 4. Example: Development Application for Review
Report from A. Alpha, Staff Liaison
 5. Example: Council Referral
Memo from the Corporate Officer
- B. STAFF LIAISON UPDATE



6. New requirement for Annual Report

C. COUNCIL LIAISON UPDATE

7. Council Decision – Development Application

8. Update on revised Council priorities (as example)

D. RECOMMENDATIONS TO COUNCIL

9. Example: Annual Work Plan – Special Project

Request to add new special project to Annual Work Plan and approval of additional budget.

LATE ITEMS

RED TEXT included for convenience only. Delete when preparing minutes. Per Council Procedure Bylaw, 2020 late Items shall not be placed on the agenda unless, in the opinion of the Chair, in cooperation with the Chief Administrative Officer or the Corporate Officer, the item is deemed to be urgent in nature.

NEXT MEETING DATE

The next meeting date of the [insert name of Advisory Body] is scheduled for [insert date] in [insert location] at [insert time].

ADJOURNMENT



Schedule K: Meeting Minutes Template





Minutes of a [regular/special] meeting of the [name of Advisory Body] of The Corporation of the District of Oak Bay held in [insert location] on [insert date] at [insert time].

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 people known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT:	A. Alpha, Chair B. Beta G. Gamma Councillor E. Epsilon (Council Liaison)
REGRETS:	D. Delta
STAFF:	Manager of Planning Z. Zetha (Staff Liaison) Committee and Commission Clerk E. Eta (Recorder)

CALL TO ORDER

The Chair called the meeting to order at [insert time].

ADOPTION OF MINUTES

*RED TEXT included for convenience only. Delete when preparing minutes. Body of the minutes containing motions, procedures, and voting outcomes adhering to the anecdotal standard (adding concise summaries of discussions). The result of a vote should appear aligned to the right margin, in capital letters, and bolded. Refer to the **Minutes Protocol** (available through Corporate Services) for full details.*

EXAMPLE:

MOVED and seconded: THAT the minutes of [insert date] be adopted.

CARRIED.

APPROVAL OF AGENDA



UNFINISHED BUSINESS FROM PREVIOUS MEETING

MEETING MATTERS

STAFF REPORTS, APPLICATIONS AND RESULTING RECOMMENDATIONS TO COUNCIL

STAFF LIAISON UPDATES

COUNCIL LIAISON UPDATES

RECOMMENDATIONS TO COUNCIL

LATE ITEMS

RED TEXT included for convenience only. Delete when preparing minutes. Late Items may only be included in accordance with the District's current Procedure Bylaw. Contact Corporate Services to confirm.

NEXT MEETING DATE

The next meeting of the [insert name of Advisory Body] is scheduled for [insert date] in [insert location].

ADJOURNMENT

The meeting was adjourned at [insert time].

Certified as fair and accurate:

Chair

Recorder



Schedule L: Useful Links

Oak Bay Official Community Plan 2025

<https://www.oakbay.ca/wp-content/uploads/2025/12/OCP-2025.pdf>

Oak Bay Zoning Bylaw 3531 1986, consolidated

<https://www.oakbay.ca/sites/default/files/heritage/Consolidated%20Zoning%20Bylaw%20as%20of%20November%2013%20C%202018%20Reduced.pdf>

Oak Bay Council Procedure Bylaw

<https://www.oakbay.ca/sites/default/files/4740%20Council%20Procedure%20Bylaw.pdf>

BC Local Government Act

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_01

BC Community Charter

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03026_00

Bish, Robert L. & Clemens, Eric G; Local Government in British Columbia, 4th ed.; Union of BC Municipalities; 2008.

A comprehensive overview of local government in our province, used as a text for courses in local government.

<https://www.ubcm.ca/member-services/publication-resources/local-government-bc>



Schedule M: Contact Information

Members of the ADP 2022

*For current members and staff support information, please visit the District's Website.



The District of Oak Bay would like to acknowledge the City of Port Alberni, City of Colwood and Town of Ladysmith for examples and inspiration in the production of this document.

May 2022



DISTRICT OF
OAK  **BAY**