



# Heritage Commission Manual

**January 2026**

\* subject to revision

DISTRICT OF  
**OAK BAY**



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# 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 Heritage Commission



# Introduction



Thank you for volunteering to be a member of Oak Bay's Heritage Commission.

The Heritage Commission plays an important role in advising Council and helping preserve the heritage of our community in our modern context. The members bring valuable perspective on the heritage and sense of community in Oak Bay and play an important role in helping Council to address a variety of heritage-related land use matters and other heritage considerations as referred or approved by Council.

Matters related to heritage conservation by a local government are regulated quite specifically by Part 15 of British Columbia's *Local Government Act*. In addition to considering matters related to heritage conservation as outlined in the Local Government Act, the Oak Bay Heritage Commission has a mandate to advise Council on a range of heritage matters. These are spelled out in the Heritage Commission establishing Bylaw No. 4770, which was adopted in 2020. The bylaw is included in this manual as Schedule A. The role and mandate of the Heritage Commission are described in detail in the following pages.

While Heritage Commission 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 Heritage Commission.



# Mandate

The mandate of the Heritage Commission is clearly laid out in the establishing bylaw for the Commission (Schedule A). You are expected to provide professional and community advice to assist Council and Staff on a variety of heritage matters.

Specifically, the Heritage Commission establishing Bylaw 4770 sets out the following mandate:

*To advise Council on a range of community heritage matters, including:*

- (a) Reviewing and making recommendations to Council on the content and maintenance of the Community Heritage Register, including related Statements of Significance as drafted by staff or consultants;*
- (b) Reviewing staff reports and related heritage documentation regarding proposed heritage designations, Heritage Revitalization Agreements, or other forms of preservation that may be registered against title to real property, for input and advice to Council;*
- (c) Reviewing existing and proposed District plans, strategies or other regulatory initiatives for input and advice to Council pertaining to heritage conservation, including any planning initiatives related to Heritage Conservation Areas and the Oak Bay Heritage Plan;*
- (d) Reviewing and making recommendations to Council on select development applications, including:*
  - a. Development applications within Heritage Conservation Areas (“HCA”), to support compliance with the HCA guidelines in the Official Community Plan; and,*
  - b. Development applications, including Heritage Alteration Permit applications, relative to review of the heritage-related aspects of the proposed redevelopments.*
- (e) any other heritage matter referred by Council.*

In addition, the bylaw gives the Heritage Commission the opportunity to undertake heritage-related projects through an annual Work Plan that you develop for Council approval.

**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 Heritage Commission is an advisory body to Council.**

**The Commission has no decision making responsibility or authority and does not establish policy**



# Functions

The specific functions of the Heritage Commission are:

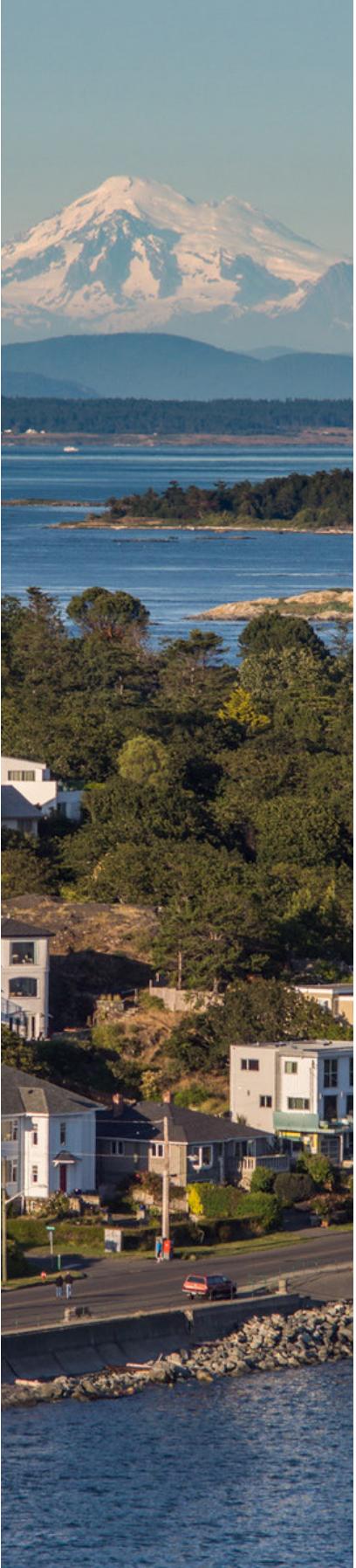
- Respond to issues referred by Council and Staff
- Provide advice and recommendations to Council or Staff
- Bring a community lens to the table when deliberating matters before the Commission that fall within its mandate
- Provide information or advice to Council or Staff on specific issues related to its mandate as requested
- Develop and implement an annual Work Plan as approved by Council

As an Advisory Body to Council, the Heritage Commission plays an important role in considering heritage matters and applications that could have long term impact on our community.

It is therefore critical that members of the Commission, 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 Commission mandate as laid out in the establishing Bylaw 4770, together with legislation, policies and other guidelines such as:

- Oak Bay Official Community Plan
- Zoning Bylaw
- Local Government Act
- Council Strategic Priorities
- Other relevant legislation or policies





# Membership

Volunteering for the Heritage Commission is an opportunity for citizens to become actively involved in our community and provide in-depth consideration of heritage-related planning issues.

## Composition

The Commission is composed of up to seven volunteer members appointed by Council. In making appointments, Council seeks to ensure that members represent all parts of Oak Bay. Up to two members of the Commission may also serve as Directors on the Oak Bay Heritage Foundation, and no more than two members may live outside Oak Bay.

The Commission is rounded out by one non-voting Council member liaison appointed by the Mayor, one Staff Liaison and a Recorder.

## Terms

Members are appointed by Council for one term at a time, generally starting in January. Terms are generally two years, as determined by Council. If you wish to serve beyond your initial term, you may apply to be reappointed to the Commission 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 deems their reappointment to be necessary for expertise and continuity purposes.

If a Commission member resigns before the end of their 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 successive 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 at the first meeting of each year by the 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* and *Community Charter*, the District's Official Community Plan and Zoning Bylaw, and some provisions of the *Heritage Conservation Act* will be important to you in your role as a Commission member.

## Local Government Act

Part 15 of the BC [\*Local Government Act\*](#) lays out the requirements for local governments to follow in making decision related to heritage conservations matters. Specific matters that may come before the Heritage Commission for consideration include the Heritage Register, Heritage Revitalization Agreements, Heritage Designation Protection and Heritage Alteration Permits..

## 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.

In addition to Heritage being stated as a goal in the OCP on pages 8 and 9, heritage considerations are captured in other OCP goals, including Neighbourhoods and Built Environment.

## Prospect Heritage Conservation Area

Oak Bay has designated the Prospect neighbourhood as a Heritage Conservation Area in the Official Community Plan. Under the *Local Government Act*, a local government may designate a Heritage conservation area for “the purposes of heritage conservation”, including to protect the buildings, structures, land or features that contribute to the overall heritage character of a neighbourhood or distinct areas.

More information on the Prospect Heritage Conservation Area can be found in the OCP.



## **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.



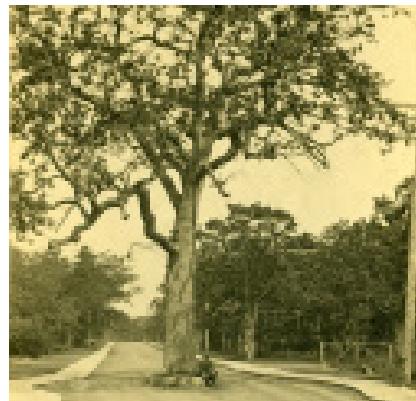
# Heritage-Specific Planning Tools

The Heritage Commission plays a key role in the District's planning process, considering and making recommendations for development and other applications as prescribed in the *Local Government Act* and Oak Bay's Official Community Plan, Zoning Bylaw and other planning-related regulations.

Below are heritage preservation tools available to local governments that the Heritage Commission may be asked to consider as part of this process.

## Heritage Designation

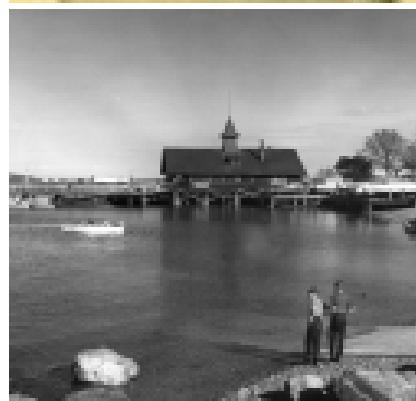
By bylaw, heritage designation can provide long-term protection to a single property, a portion of a property (exterior, interior, landscape features) or more than one property. Designation can prohibit demolition, structural alterations, and land changes, and alterations to specified exterior, interior fixtures, and landscaping. If designation of a property causes a reduction in the market value of the property at the time of designation, the local government must compensate the owner.



## Heritage Revitalization Agreements and Covenants

Allow a local government to negotiate terms of a contractual agreement with a property owner to protect a site. In addition, heritage revitalization agreements can vary or supplement numerous bylaw and permit conditions, including:

- Zoning and subdivision requirements (including use and density)
- Development cost recovery
- Development permits
- Heritage alteration permits



## Heritage Conservation Areas

Local governments can define special areas in the OCP to provide long-term protection to a distinctive heritage area. Heritage conservation areas may require a heritage alteration permit for subdivision, building additions, new construction or alteration of an existing building, structure, land, or feature.



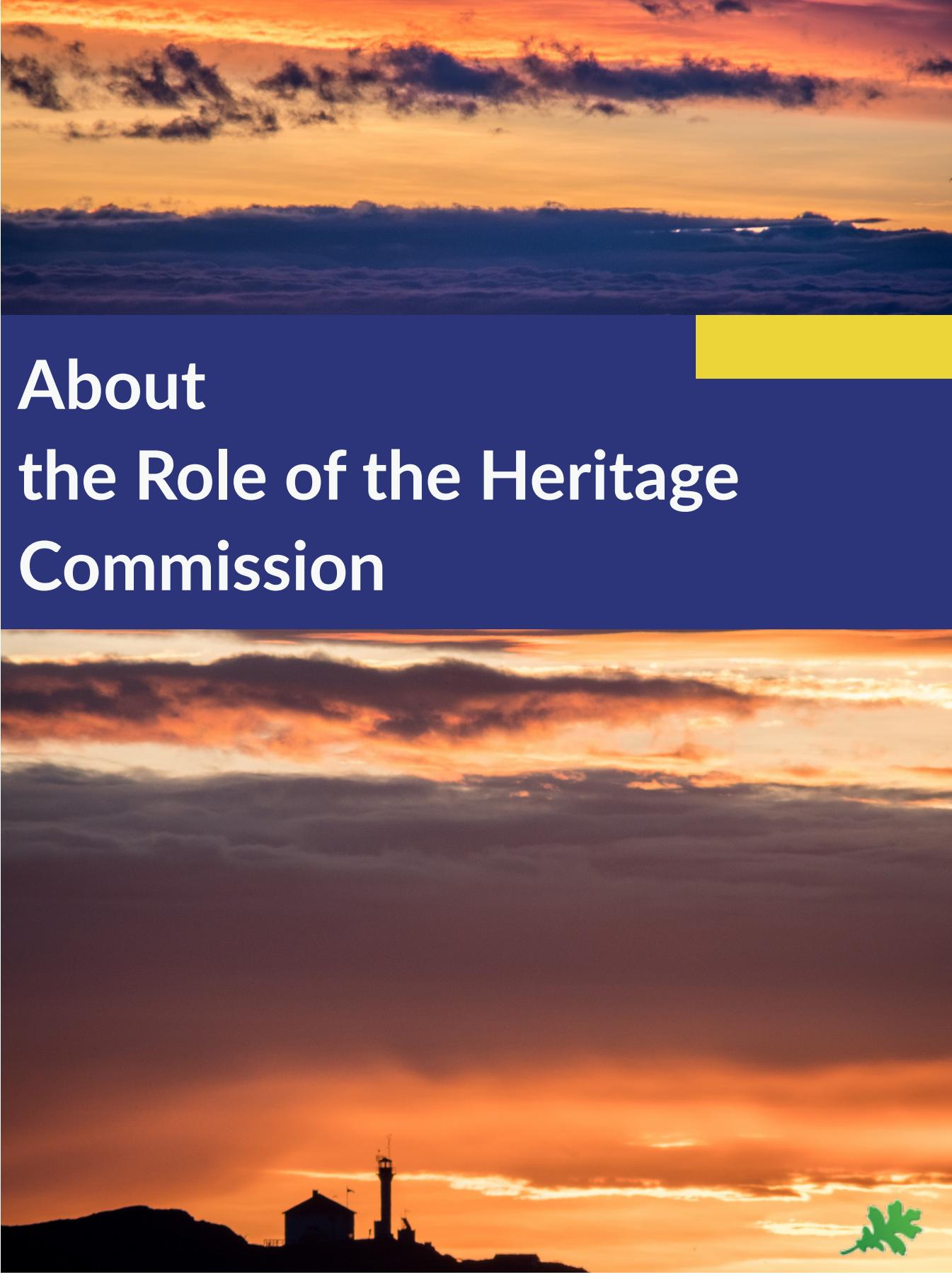
## Community Heritage Register

A Heritage Register is an official list of properties that have heritage value or character for a community. The register can facilitate the use of other *Local Government Act* Part 15 heritage protection powers. The register allows a local government to temporarily withhold approval for an action that would lead to alteration of a listed heritage property; temporarily withhold a demolition permit; require an impact assessment to determine the effect of a proposed development on a heritage property, before the development takes place.



Although not a planning tool, the [Standards and Guidelines for the Conservation of Historic Places in Canada](#) lay out 9 areas for consideration in relation to preserving heritage sites and properties, and will help to inform staff and Commission recommendations regarding heritage preservation.





# About the Role of the Heritage Commission



# The Planning Process

A key component of the work of the Heritage Commission is to provide recommendations to Council on heritage-related land use matters. In general, 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 Heritage Commission, is guided by Council-approved policy. Well defined and thoughtful heritage planning objectives and policies provide the public, business owners, and other stakeholders a high degree of certainty for the future. Oak Bay's overarching 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.

When considering matters related to land use, including Heritage Alteration Permits, Heritage Designations, or recommending additions to the Community Heritage Register, the Heritage Commission must also be aware of broader community land use planning principles. Staff will provide this context in reports presented to the Commission on heritage matters.



# 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 approving land use related permits as required under the *Local Government Act*. For heritage purposes, Council makes the final decision on Heritage Alteration Permits, designation of a Heritage Conservation Area, Heritage Designation matters and changes to the Community Heritage Register. Council also appoints one member to serve as the Council Liaison on the Heritage Commission.

## Heritage Commission

The Heritage Commission has the responsibility of giving advice and acting as a community lens on heritage-related land use matters and applications. While the Commission's role is advisory, it involves a unique set of responsibilities and is an important part of the land use process.

The Heritage Commission advises Council on the following:

- Content and maintenance of the Community Heritage Register, including Statements of Significance as drafted by staff or consultants
- Heritage designations, Heritage Revitalization Agreements, or other forms of preservation that may be registered against a property's title
- Proposed District plans, strategies or other heritage conservation regulatory initiatives, including planning items related to Heritage Conservation Areas and the Oak Bay Heritage Plan
- Development applications within Heritage Conservation Areas
- Development applications, including Heritage Alteration Permit applications, relative to the heritage-related aspects of the proposed redevelopments
- Any other heritage matter referred by Council.

Applications are formally reviewed by the Heritage Commission following completion of the review process by Staff and any other District committees if required, including the Advisory Design Panel and/or the Advisory Planning Commission.

## 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 Heritage Commission and Council for review. One department Staff member is appointed to the Commission 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 meeting agendas. A Staff member will act as Recorder and take minutes at the meetings.

The Staff Liaison is the main contact for all members who require information about the Commission 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.



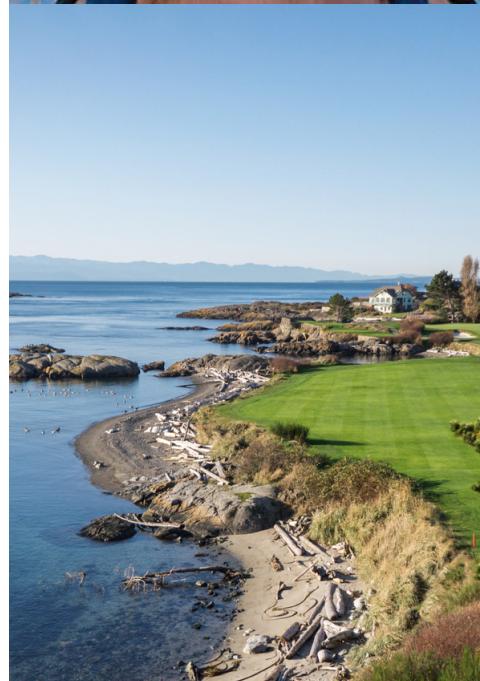
# Scope of Analysis

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

The information and analysis from the Heritage Commission represent a special combination of subjective and objective observations that only community members could bring to the discussion. Staff will provide an outline of specific characteristics that must be considered with respect to heritage considerations and/or regulations, and explain the regulatory authority from which they are derived. This will guide the Commission in its discussion, and focus your discussion on the matters that are within your authority to address.

It is also important for Commission members to remember that other bodies such as the Advisory Planning Commission and the Advisory Design Panel may also be reviewing applications with their own lens.

Although the scope of review for the Heritage Commission may at times seem rather limiting in the broader scheme of overall land use and the need to preserve heritage, it is important to remember that you have been chosen for both your heritage knowledge and your community commitment in relation to the Commission's mandate.



# Heritage Work Plan

The Heritage Commission Bylaw 4770 states that the Commission may develop and submit an Annual Work Plan to Council for approval. The Work Plan's proposed projects, initiatives and volunteer development activities (conferences, workshops) should align with Council's current strategic priorities and other District plans and strategies, including the Oak Bay Heritage Plan and the Official Community Plan.

It is also important in developing a work plan to set a realistic budget and make sure that there is capacity within the organization or the commission itself to carry out the work.

Developing the Work Plan each year is a collaborative process between Commission members and Department staff.

The Commission should aim to develop its work Plan early in the fall for the following year. This gives time for the Plan to be reviewed by the Chief Administrative Officer and Chief Financial Officer to make sure it is realistic in terms of both budget and staff capacity, and is appropriately aligned with Council's strategic priorities and/or addresses an identified need in the community.

The Commission is also required to report out to Council each year on its Work Plan progress. This report can be combined with presentation of the new Work Plan for the coming year.

The 2022 Heritage Commission Work Plan is attached as Schedule J for reference.

## Professional Development

The annual Work Plan usually includes a budget for professional development for Commission members. This could involve attending a conference, but in recent practice, Commission members partake in heritage-related webinars and discuss what they have learned and how it relates to Oak Bay. This is an ideal opportunity to understand heritage legislation and related issues to inform your work as a Commission member.



# Other Planning Considerations

## Council Strategic Priorities

Council's strategic priorities guide policy and action for the District in the current term. It is important for Heritage commission members to take these priorities into account not only when reviewing land use applications, but especially when considering other land use matters that Council might refer to the Commission. The current 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

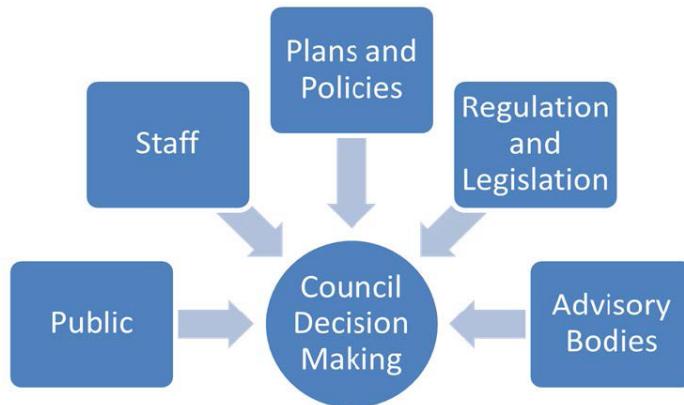
**Quality of Life:** stewarding the community's history, landscape, culture, and amenities within the context of southern Vancouver Island

**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 Heritage Commission 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 those associated with the District accept with respect and tolerance for sometimes opposing opinions and the complexity of Council's governance and decision making.



# Conducting Heritage Commission 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 H**

The Heritage Commission 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 may be cancelled if there are no applications or Council referrals to consider; however, if the Commission has an active Work Plan, there should always be a reason to meet in order to review progress.

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 Heritage Commission meeting agendas generally follows the format outlined in Schedule G. Agenda packages are published five days before the meeting, and will include Staff reports and application-related materials. 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 Commission members.

## **Public Attendance & Participation**

Heritage Commission 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. A Heritage Commission meeting is not to be confused with a public hearing meeting, which is when members of the 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 Heritage Commission.

The Commission may invite experts on matters related to the Work Plan or the Commission's professional development priorities to attend a meeting for discussion on predetermined topics. Such invitations must be decided in advance and form part of the formal meeting agenda.

## **Voting and Quorum**

In order for the Heritage Commission to meet and make recommendations there must be a quorum, or simple majority, of the voting members. With a full complement of seven volunteer members, quorum is four. If there is no quorum 15 minutes after the meeting start time, the meeting will be adjourned. This could result in projects being delayed or Council proceeding without advice from the Commission, so it is important that you attend the meetings and arrive on time.

All members of the Commission 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



When you are tasked with considering heritage-related applications and any other matters referred to the Commission, you are required to make a corresponding recommendation to Council. The Commission's application review process (provided in more detail in the establishing Bylaw, Schedule A in this manual) is as follows:

Staff carry out an initial review of the application and prepare a report for the Commission. 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 Commission, and to answer questions

The Commission will review the merits of the application as follows:

- Development applications within Heritage Conservation Areas (“HCA”), to support compliance with the HCA guidelines in the Official Community Plan
- Development applications including Heritage Alteration Permit applications, relative to review of the heritage-related aspects of the proposed redevelopments.

The Commission will then vote on the application by recommending, in the form of a resolution, one of the following:

1. Recommend to approve the application
2. Recommend to approve the application, with heritage considerations, including the nature of any change that would lead to approval (which should be clearly stated in the resolution)
3. Recommend not to approve the application, with clearly stated reasons specific to the mandate of the Commission based on the heritage considerations relative to the application

Should the Commission have additional comments or concerns, you may choose to make a second resolution, however, always within the context of the Commission's mandate and the Establishing Bylaw. The Establishing Bylaw does not allow the Commission to refer an application to a future meeting pending further information or amendments to the application.



After the meeting, Staff will review the 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 on your mandate. Similarly, Council will give your recommendations careful consideration, but will ultimately make their own decision based on a variety of factors and input from a number of sources in addition to the Advisory Bodies.

The Commission may, by way of resolution, refer other issues raised at meetings for Council consideration if appropriate. Should you wish to refer a matter in this way, it must fall within your mandate, fit into the current Council priorities and help achieve Council objectives. It is important to remember as well that Staff work is directed by Council priorities and current applications and there may not be capacity to take on new initiatives.



# Expectations

Heritage Commission 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 heritage-related 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 Heritage Commission 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 heritage matters to the Commission for 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. Heritage Commission 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 be the source of relevant information, but they should not be permitted to influence your decision-making before deliberations begin.

## Applicant Pressure

It is understandable that applicants want their files reviewed with a favourable outcome. All statements made by applicants must be carefully evaluated, and the Commission needs to review each proposal on its own merits.

## Political Pressure

The Heritage Commission 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 decisions. However, members of Council should not seek to influence members of the Commission. Commission members should use their own judgment in casting votes, to help to promote good heritage planning. Commission 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 Heritage Commission 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 Commission 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, as well as the Committee and Commission Policy, Schedule B in this manual. A conflict of interest exists where a Heritage Commission member is an interested party to an application or process under consideration by the Commission and/or the member has a direct or indirect pecuniary interest in the outcome of the Commission'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 Heritage Commission, you:

- Must declare to the Commission that a conflict exists
- Must not take part in the discussion of the matter or vote on a question in respect of the matter
- Must remove yourself from the meeting during consideration of the issue 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.





# Schedules



# Schedule A: Heritage Commission Bylaw 4770



THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4770

A Bylaw to Establish the Oak Bay Heritage Commission

**CONSOLIDATED FOR CONVENIENCE TO FEBRUARY 14, 2022**

(\*\*amended by Bylaw No. 4770.001)

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 Heritage Commission (the “Commission”) is hereby established.

**2 DEFINITIONS**

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

Commission	means the Heritage Commission 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 Commission
Staff Liaison	means the staff person(s) designated by the Chief Administrative Officer to support the Commission

**3 MANDATE OF THE COMMISSION**

3.1 The mandate of the Commission shall be to advise to Council on a range of community heritage matters, including:

- (a) Reviewing and making recommendations to Council on the content and maintenance of the Community Heritage Register, including related Statements of Significance as drafted by staff or consultants;
- (b) Reviewing staff reports and related heritage documentation regarding proposed heritage designations, Heritage Revitalization Agreements, or other forms of preservation that may be registered against title to real property, for input and advice to Council;



- (c) Reviewing existing and proposed District plans, strategies or other regulatory initiatives for input and advice to Council pertaining to heritage conservation, including any planning initiatives related to Heritage Conservation Areas and the *Oak Bay Heritage Plan*;
- (d) Reviewing and making recommendations to Council on select development applications, including:
  - a. Development applications within Heritage Conservation Areas ("HCA"), to support compliance with the HCA guidelines in the *Official Community Plan*; and,
  - b. Development applications, including Heritage Alteration Permit applications, relative to review of the heritage-related aspects of the proposed redevelopments.
- (e) any other heritage matter referred by Council.

3.2 The Commission is further authorized to carry out all projects, initiatives and activities contained within an Annual Work Plan approved by Council, as outlined in Section 8 of this Bylaw.

**4 MEMBERSHIP OF THE COMMISSION**

- 4.1 The Commission shall be comprised of up to seven (7) volunteer members. Not more than two (2) members may reside outside the District of Oak Bay.
- 4.2 Up to two (2) members may also serve as appointed Directors of the Oak Bay Heritage Foundation.
- 4.3 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.  
*(\*\*Bylaw No. 4770.001, adopted February 14, 2022)*
- 5.3 Members of the Commission shall be appointed for a maximum continuous tenure of six (6) consecutive years, except as otherwise specified in the *Committee and Commission Policy* for terms beginning in 2021.
  - a) Members of 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 two-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

Page 2 of 6



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 because of illness or with leave of Council, shall be deemed to have resigned their membership.

## 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 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.

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 Committee or Commission 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 In accordance with the *Committee and Commission Policy*, the Commission may invite subject matter experts to a Commission meeting, to make presentations on specific matters under consideration by the Commission. In accordance with Section 10 of this Bylaw, any related fees or honorariums must be approved in advance by the Director of Building and Planning or by the Director of Financial Services.

6.10 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.

6.11 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 for Commission review, as outlined in Section 3.1(d) of this Bylaw, must be considered in open session.
- 7.2 The application 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 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 merits of the application as follows:
    - i. Development applications within Heritage Conservation Areas ("HCA"), to support compliance with the HCA guidelines in the *Official Community Plan*;
    - ii. Development applications including Heritage Alteration Permit applications, relative to review of the heritage-related aspects of the proposed redevelopments.
  - d) The Commission will then vote on the application by recommending, in the form of a resolution, one of the following:
    - Recommend approval of the application;
    - Recommend approval of the application with considerations; or,
    - Recommend denial of the application.
  - e) If the Commission recommends approval of the application with considerations, the resolution must include and specify the considerations accordingly.
  - f) Following the Commission meeting, staff will review the Commission discussion and recommendation with the applicant. If the Commission recommended approval with 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 minutes 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 development applications will be conveyed to Council through the established development review process, and generally contained in staff reports to Council. Council decisions will be reported back to the Commission by the Council Liaison.
- 8.2 Commission input and advice related to any other heritage matter within the Commission's mandate, or otherwise referred to the Commission by Council, shall be by way of a report to Council. The report shall be developed 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.
- 8.3 The Commission may develop and submit an Annual Work Plan to Council for approval, in accordance with the *Committee and Commission Policy*.
  - a. Proposed projects, initiatives and volunteer development activities (conferences, workshops) contained within the Annual Work Plan should align with Council's current strategic priorities and other District plans and strategies, including the *Oak Bay Heritage Plan* and the *Official Community Plan*.
  - b. Council approval is required prior to implementation of the Annual Work Plan.
  - c. The Annual Work Plan may be amended, as required, with the approval of Council.
- 8.4 If the Commission chooses to submit an Annual Work Plan to Council for approval, the Commission must also submit an Annual Report to Council in accordance with the *Committee and Commission Policy*. The Annual Report shall be completed in the form prescribed by the Corporate Officer, as may be amended from time to time, and shall include a description of the Commission's progress and achievements with respect to the activities proposed by the Commission and approved by Council in the Annual Work Plan.

## 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, if applicable, funds for implementation of the Commission's Annual Work Plan as approved by Council; an annual group membership in Heritage BC; advertising; and, administrative supplies or services.
- 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 REPEAL**

- 12.1 Bylaw No. 4550, "Heritage Commission Establishment Bylaw, 2011", together with all amendments, is hereby repealed.

## **13 CITATION**

- 13.1 This Bylaw may be cited as the *Heritage Commission Establishment Bylaw No. 4770, 2020*.

READ a first, second and third time by the Municipal Council on January 25, 2021

ADOPTED AND FINALLY PASSED by the Municipal Council on February 1, 2021

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Mayor

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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 November 29, 2021

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## **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.



“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.

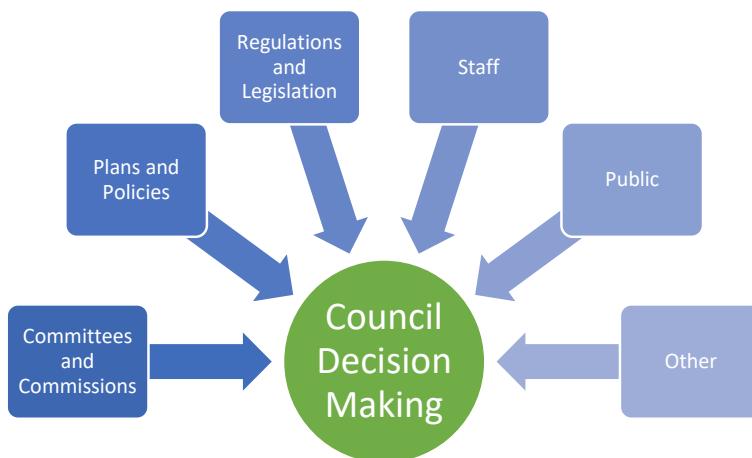


Figure 1 – Components of Council’s Decision-Making



**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**

- 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.
- 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**

- 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 be appointed for staggered terms of one to two years.
 

(Amended December 7, 2020)  
(Amended November 29, 2021)
- (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. Deleted (November 29, 2021)*

- (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) As per the *Council Procedure Bylaw*, the Chief Administrative Officer or Corporate Officer can cancel a Committee or Commission meeting by advising the Committee or Commission Chair and the Council Liaison that there is insufficient meeting business.

*(Amended November 29, 2021)*

- (a) 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*.
- (b) 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*.
- (c) 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.

<b>Advisory Body</b>	<b>Council Liaison Voting Rights</b>
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 Complainant 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**

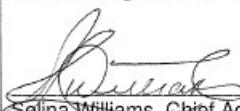
The District will maintain all documentation pertaining to complaints in a confidential manner. If the allegations are not proven and there is no disciplinary action, there shall be no records of the complaint placed in the personnel files of the Complainant, the witnesses or the Respondent. However, 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.

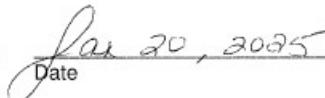
## **COLLECTIVE AGREEMENTS & LEGISLATION**

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: 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 E: 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 F: 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 m<sup>2</sup> [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 G: 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 H: Meeting Minutes Template



DISTRICT OF  
**OAK BAY**

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.

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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)

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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

Page 1 of 2



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:

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Chair

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Recorder

Page 2 of 2



# Schedule I: Heritage Online Resources

The document on the following pages was a project of the 2022 Heritage Commission Work Plan, and was prepared by Commission member Pat Wilson. It is full of helpful links to resources about many aspects related to heritage conservation.



**OAK BAY HERITAGE**  
**ONLINE RESOURCES TO RESEARCH YOUR HOME**

***This listing is intended to expand and explain sources of research materials for buildings in Oak Bay. Much of this is accessible on the web. This document includes the general description to be able to search or if online, the link to the website.***

Oak Bay Archives holds some primary and secondary research materials about buildings in Oak Bay. The Archivist, Anna Sander, works half time for Oak Bay. The Archives are not currently (Spring 2022) open to visitors or researchers in person, but are open for enquiries by email, post, and phone. Please see <https://www.oakbay.ca/our-community/history/archives/research/research-guides> for listing of these research materials.

*Ar – architect, Hi – history, Re – resident, Bu – building, Ars – architectural style*

Ar	Hi	Re	Bu	Ars	
	✓	✓	✓		<b><u>Facebook Group: Oak Bay History, Ben Clinton Baker</u></b> Lots of pictures of past events, houses, maps etc. with comments from the Facebook friends. Very specific to Oak Bay.
	✓	✓	✓		<b><u>Oak Bay Chronicles, Peter Grant</u></b> Stories of past residents of Oak Bay. Interesting reading and has an index. <a href="https://oakbaychronicles.ca/">https://oakbaychronicles.ca/</a>
✓	✓	✓	✓		<b><u>Oak Bay Encyclopedia, Gary Wilcox</u></b> A listing of noteworthy people, places and things from Oak Bay's early years. <a href="http://www.webturf.com/oakbay/history/encyclopedia/">http://www.webturf.com/oakbay/history/encyclopedia/</a>
				✓	<b><u>House Styles   Vancouver Heritage Foundation</u></b> A good source as it contains pictures of the homes along with a description of typical features of the architectural style. <a href="https://www.vancouverheritagefoundation.org/vancouver-heritage-house-styles-hub/house-styles-by-name-and-era/">https://www.vancouverheritagefoundation.org/vancouver-heritage-house-styles-hub/house-styles-by-name-and-era/</a>
				✓	<b><u>Building History Map, Dr. Larry McCann and students</u></b> A map of lots and date the home was built. The map covers through 2006. <a href="https://www.oakbay.ca/sites/default/files/maps/Building_History_Map.pdf">https://www.oakbay.ca/sites/default/files/maps/Building_History_Map.pdf</a>
		✓			<b><u>British Columbia City Directories, 1860-1955</u></b> Digital editions of British Columbia (and Vancouver Island) directories from the Vancouver Public Library collection. It includes look up of names of resident or address, and employer of the residents. A few years do not have directories for Victoria. Note that if there is an * near the resident name it means they are the owner. <a href="https://bccd.vpl.ca/index.php/browse/index">https://bccd.vpl.ca/index.php/browse/index</a> Note, Archives has paper copies of the city directories for 1966 – 1998. It also has telephone books through 2013.
		✓			Victoria Archives has City Directories mainly on microfilm with latest years being on paper including 1996-1999 (when it ceased publishing for the greater Victoria area). <a href="https://www.victoria.ca/assets/Departments/Legislative-Services/Archives/Documents/city-directories.pdf">https://www.victoria.ca/assets/Departments/Legislative-Services/Archives/Documents/city-directories.pdf</a>



	✓	✓			<b>BC Historical Newspapers</b> On line edition of the Times Colonist covering 1884 – 2010, The Province covering 1894 – 2010, and Vancouver Sun covering 1912 – 2010. <a href="https://go.proquest.com/BCHistoricalNewspapers">https://go.proquest.com/BCHistoricalNewspapers</a> The British Colonist from 1858 (became the Times Colonist) sponsored by the University of Victoria. <a href="https://britishcolonist.ca/">https://britishcolonist.ca/</a> These are particularly useful to obtain information about residents and the social environment on Vancouver Island.
		✓	✓		<b>Oak Bay Archives Municipal Records</b> Oak Bay Archives has building permits index (owner, contractor, architect etc) for dwellings built to 1917. <a href="https://www.oakbay.ca/our-community/history/archives/collections/municipal-records">https://www.oakbay.ca/our-community/history/archives/collections/municipal-records</a>
✓	✓				<b>viHistory</b> The viHistory website is a teaching, learning and research tool. It's concerned principally with the history of Vancouver Island in British Columbia, but is also a vehicle for exploring broader themes in Canadian history during the 19th and early part of the 20th centuries. <a href="http://vihistory.ca/">http://vihistory.ca/</a>
✓	✓	✓	✓	✓	<b>Municipal Records for Existing Homes</b> These are maintained in planning and building department. As the homeowner, you can request copies of this information. <a href="mailto:inspections@oakbay.ca">inspections@oakbay.ca</a>
✓	✓	✓	✓	✓	<b>The Prospect Heritage Conservation Area</b> The first heritage conservation area in Oak Bay was set up to provide guidelines that could be readily be used for any future HCAs. <a href="https://www.oakbay.ca/sites/default/files/appendix-a-prospect-heritage-conservation-area-guidelines.pdf">https://www.oakbay.ca/sites/default/files/appendix-a-prospect-heritage-conservation-area-guidelines.pdf</a> <a href="https://oakbay.civicweb.net/document/42593/">https://oakbay.civicweb.net/document/42593/</a>
	✓	✓			<b>Genealogy:</b> There are several online resources to search the residents/owners of the building. These websites can be helpful to demonstrate the links between family members, impact on the local history and the like.
✓	✓			✓	Biographical Dictionary of Architects in Canada 1800-1950, Robert Hill Includes a listing of commissions for each architect. <a href="http://www.dictionaryofarchitectsincanada.org/introduction">www.dictionaryofarchitectsincanada.org/introduction</a>
✓	✓		✓	✓	<b>Modernism in Victoria 1945-1975, Donald Luxton</b> <a href="https://pub-victoria.escribemeetings.com/filestream.ashx?DocumentId=51127">https://pub-victoria.escribemeetings.com/filestream.ashx?DocumentId=51127</a> A statement of significance for the Capital Regional District. It includes a few homes in Oak Bay.



#### OTHER REFERENCES AND GENERAL INFORMATION:

Not everything is online or readily available in print. If you can't find what you're looking for in secondary sources and/or online, do contact the archivist. All of greater Victoria's municipalities have archivists who are happy to help. Oak Bay Archives can be reached at [archives@oakbay.ca](mailto:archives@oakbay.ca)

This limited representation of books below includes specific sections that relate to Oak Bay.

##### Oak Bay's Heritage Buildings: More than just Bricks and Boards by Stuart Stark

A 1986 representative summary of architectural style, architect and residents of specific homes in Oak Bay. It does not cover all heritage homes in Oak Bay. It usually includes the name and employment status of the male resident. This book is out of print but sometimes shows up in used book shops.

##### Building the West: Early Architects of British Columbia by Donald Luxton

This book covers the early architects of British Columbia including personal histories of the architects. It lists known buildings designed by the architect. It includes a section on Oak Bay.

##### The Life and Times of Victoria Architect by P. Leonard James, Rosemary Cross

The story of P. Leonard James as told by his daughter Rosemary. It is a complete listing of his projects whether as an individual or as a partner to Douglas James and Hubert Savage. It includes information about the owners and the architectural style.

##### Imagining Uplands by Dr. Larry McCann

The story of John Olmsted's design of the Uplands subdivision. It also covers the history of the original early European settlement of the area through the first part of the twentieth century.

##### Exploring Victoria's Architecture by Martin Segger

This is one of many books by Martin Segger that covers the Capital Regional District architecture.

Library information including books titles and authors can generally be accessed on line.

Oak Bay Archives - <https://www.librarything.com/catalog/oakbayarchives>

GVPL - <https://gvpl.ca>

UVic - <https://www.uvic.ca/library/use/info/community/index.php>

Hallmark Society - <https://hallmarkheritagesociety.ca/>

Victoria Heritage Foundation - <https://www.victoriaheritagefoundation.ca/>

History of Parks Canada Electronic Library <http://parkscanadahistory.com/>



# Schedule J: Commission Work Plan 2022



**Approved by Council February 2022**

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## 1. Background

Annual Work Plans are required for Advisory Bodies that are authorized (through their Terms of Reference or Establishing Bylaw) to undertake special projects or initiatives in support of their respective mandate.

These projects and initiatives are in addition to the Advisory Body's core duties as outlined in the Terms of Reference or Establishing Bylaw, and therefore require approval from Council. Inclusion of a project or initiative in an Annual Work Plan does not guarantee approval by Council - each proposed initiative will be evaluated within the context of the current Corporate Plan and Council's strategic priorities, as well as operational and budgetary implications, organizational capacity and available staff resources.

The Heritage Commission developed its Work Plan for 2022 in a facilitated workshop held on December 7, 2021, and adopted the Plan by unanimous resolution at its regular meeting on January 18, 2022.

The development of a Commission Work Plan is authorized in Heritage Commission Establishment Bylaw 4770:

*8.3 The Commission may develop and submit an Annual Work Plan to Council for approval, in accordance with the Committee and Commission Policy.*

*a. Proposed projects, initiatives and volunteer development activities (conferences, workshops) contained within the Annual Work Plan should align with Council's current strategic priorities and other District plans and strategies, including the Oak Bay Heritage Plan and the Official Community Plan.*

*b. Council approval is required prior to implementation of the Annual Work Plan.*

*c. The Annual Work Plan may be amended, as required, with the approval of Council.*

Bylaw 4770 further requires that the Commission prepare an Annual Report to Council:

*8.4 If the Commission chooses to submit an Annual Work Plan to Council for approval, the Commission must also submit an Annual Report to Council in accordance with*



*the Committee and Commission Policy. The Annual Report shall be completed in the form prescribed by the Corporate Officer, as may be amended from time to time, and shall include a description of the Commission's progress and achievements with respect to the activities proposed by the Commission and approved by Council in the Annual Work Plan.*

The Heritage Commission is respectfully requesting Council approval of a \$10,000 budget for its Work Plan in 2020, allocated as outlined under each specific initiative below.

## 2. Proposed Projects / Initiatives

<b>SPECIAL PROJECT / INITIATIVE #1</b>	
Title of Special Project / Initiative	<b>Volunteer Development for Commission Members</b>
Brief Description	<p>Identify training opportunities, workshops and webinars to support Commission members in their work.</p> <p>Opportunities identified to date include:</p> <ul style="list-style-type: none"> <li>• Heritage BC webinars</li> <li>• Heritage BC annual conference</li> <li>• Reading Statements of Significance</li> <li>• Writing Statements of Significance</li> </ul>
<p>Is this project: (please check)</p> <p><input type="checkbox"/> New for the Coming Year  <input checked="" type="checkbox"/> Continued/Ongoing from Previous Year(s)  <input type="checkbox"/> Other (please specify: _____)</p>	
<p><b>Key Tasks &amp; Timelines</b>  <i>List each key task and amount of time required for completion (# of weeks or months)</i></p>	<p>Training would be ongoing throughout the year, with opportunities identified and determined by the Commission with reference to available funding.</p> <p><i>Professional Development</i> will be a standing agenda item for Heritage Commission meetings; when time permits, or there are no referrals from Council or applications to consider, the Commission will take part in a Heritage BC webinar or other similar training activity.</p>
<p><b>Expected Completion</b>  <i>When does the Advisory Body expect to complete this project?</i></p>	Project is ongoing throughout the year



Financial Impact <i>How much funding is the Advisory Body requesting to complete this project?</i>	\$2,500.00
Operational Impact <i>Type and amount of staff support required. (Also see Staff Input and Analysis below)</i>	Staff Liaison: limited time involved in identifying training opportunities Administrative staff: limited time involved in booking training opportunities
Alignment with Council's Strategic Priorities <i>Indicate the Strategic Priorities that are supported by the project/initiative and include a brief explanation.</i>	<b>Quality of Life:</b> This will support Commission members to fulfill their mandate related to Oak Bay's heritage, as outlined in Bylaw 4770  <b>Service Excellence:</b> Professional Development increases volunteers' engagement and increases their effectiveness in carrying out their mandate
Alignment with Advisory Body Mandate <i>Indicate and briefly explain the ways in which the proposed project/initiative is aligned with the Advisory Body's mandate.</i>	Heritage Commission Establishment Bylaw 4770, s. 8.3 a) permits volunteer development activities (conferences, workshops) to be included in the annual Commission Work Plan. Increased knowledge will assist the members to better fulfill their mandate
<b>SPECIAL PROJECT / INITIATIVE #2</b>	
Title of Special Project / Initiative	<b>Compile Reference Links for Heritage-Related Websites and Resources</b>
Brief Description	The intent of this initiative is to support Commission members in their work by making resources readily available to them.
Is this project: (please check)	<input checked="" type="checkbox"/> New for the Coming Year <input type="checkbox"/> Continued/Ongoing from Previous Year(s) <input type="checkbox"/> Other (please specify: _____)
Key Tasks & Timelines <i>List each key task and amount of time required for completion (# of weeks or months)</i>	<p>Tasks:</p> <ul style="list-style-type: none"> <li>• Compile a list of relevant websites and resources</li> <li>• Include list in forthcoming Heritage Commission Orientation Manual</li> <li>• Share list with Heritage Commission members, and update website with appropriate links</li> </ul>



	Timeline: Commence March 2022, to be completed by end of Q3 2022
Expected Completion <i>When does the Advisory Body expect to complete this project?</i>	Completion by September 30, 2022
Financial Impact <i>How much funding is the Advisory Body requesting to complete this project?</i>	None
Operational Impact <i>Type and amount of staff support required. (Also see Staff Input and Analysis below)</i>	Commission member P. Wilson has offered to compile the list with minimal support from staff
Alignment with Council's Strategic Priorities <i>Indicate the Strategic Priorities that are supported by the project/initiative and include a brief explanation.</i>	<p><b>Quality of Life:</b> this will support Commission members to fulfill their mandate related to Oak Bay's heritage, as outlined in Bylaw 4770</p> <p><b>Service Excellence:</b> Enhanced resources will help to increase volunteers' effectiveness in carrying out their mandate</p>
Alignment with Advisory Body Mandate <i>Indicate and briefly explain the ways in which the proposed project/initiative is aligned with the Advisory Body's mandate.</i>	Additional resources support Commission members in fulfilling their mandate as outlined in Bylaw 4779, s. 3.1
<b>SPECIAL PROJECT / INITIATIVE #3</b>	
Title of Special Project /	<b>Update and Expand the Community Heritage Register</b>
Brief Description	This initiative involves identifying a series of recommendations for additional properties to be included in the Heritage Register, and creating and/or updating Register entries
Is this project: (please check)	



New for the Coming Year  
 Continued/Ongoing from Previous Year(s)  
 Other (please specify: \_\_\_\_\_)

<p><b>Key Tasks &amp; Timelines</b>  <i>List each key task and amount of time required for completion (# of weeks or months)</i></p>	<ul style="list-style-type: none"> <li>Identify up to 10 properties in total to add to the Heritage Register in 2022 to 2023, beginning with properties mentioned in the Stuart Stark document (by September 2022)</li> <li>Provide recommendations to Council (by September 2022) and seek direction from Council as to preferences and process</li> <li>Assist in compiling the write-ups through research and review of drafts of approved properties (ongoing, beginning in October 2022 and throughout 2023)</li> <li>Review and recommend updates to existing write-ups in the Heritage Register as appropriate (throughout 2023)</li> </ul>
<p><b>Expected Completion</b>  <i>When does the Advisory Body expect to complete this project?</i></p>	<p>The Heritage Commission expects to complete write-ups for 10 additional Heritage Register entries by the end of 2023, and hopes to continue the work in future years</p>
<p><b>Financial Impact</b>  <i>How much funding is the Advisory Body requesting to complete this project?</i></p>	<p>No additional funding is required for this initiative.</p>
<p><b>Operational Impact</b>  <i>Type and amount of staff support required. (Also see Staff Input and Analysis below)</i></p>	<p>Staff Liaison: up to 20 hours of the Staff Liaison's time will be involved in drafting each property write-up once Council has approved new entries for the Heritage Register. Heritage Commission members will assist with research and editing.</p> <p><b>This project is not currently in the department work plan for 2022. However, the identification of properties to recommend to Council will take place during Heritage Commission meetings.</b></p>
<p><b>Alignment with Council's Strategic Priorities</b>  <i>Indicate the Strategic Priorities that are supported by the project/initiative and include a brief explanation.</i></p>	<p><b>Quality of Life:</b> Council is committed to "stewarding the community's history, landscape, culture and amenities..."; this initiative supports stewarding the community's history by helping to enhance Oak Bay's heritage stewardship practices</p>
<p><b>Alignment with Advisory Body Mandate</b></p>	



<p><i>Indicate and briefly explain the ways in which the proposed project/initiative is aligned with the Advisory Body's mandate.</i></p>	<p>Bylaw 4770, the Commission's establishing bylaw, specifically states that the Commission shall "... advise Council on a range of community heritage matters, including:</p> <p>(a) Reviewing and making recommendations to Council on the content and maintenance of the Community Heritage Register..." (S. 3.1(a))</p>
<b>SPECIAL PROJECT / INITIATIVE #4</b>	
<p><b>Title of Special Project /</b></p>	<p><b>Heritage Best Practices</b></p>
<p><b>Brief Description</b></p>	<p>Through this initiative, the Commission will engage a contractor to assist in reviewing best practices in heritage stewardship in other BC Local governments, conduct a gap analysis for Oak Bay, and develop a tool kit and recommendations for heritage stewardship in Oak Bay.</p>
<p>Is this project: (please check)</p> <p><input checked="" type="checkbox"/> New for the Coming Year  <input type="checkbox"/> Continued/Ongoing from Previous Year(s)  <input type="checkbox"/> Other (please specify: _____)</p>	
<p><b>Key Tasks &amp; Timelines</b>  <i>List each key task and amount of time required for completion (# of weeks or months)</i></p>	<ul style="list-style-type: none"> <li>Depending on department capacity, engage external resources to develop a scope of work/project charter for this initiative (Q3 2022) and oversee the process to engage a contractor,</li> <li>Engage a contractor (preferably a professional heritage planner) to research heritage-related best practices in other BC local governments, conduct a gap analysis with respect to practices in Oak Bay, and develop a tool kit and recommendations to support staff, the Commission and Council for completion by end of September 2023)</li> </ul>
<p><b>Expected Completion</b>  <i>When does the Advisory Body expect to complete this project?</i></p>	<p>To be completed by December 31, 2023</p>
<p><b>Financial Impact</b>  <i>How much funding is the Advisory Body requesting to complete this project?</i></p>	<p>\$7,500 in each of 2022 and 2023</p>
<p><b>Operational Impact</b>  <i>Type and amount of staff support required. (Also see</i></p>	<p>Staff Liaison: estimated 10 hours to prepare the Scope of Work for the consultant and manage the project in 2022.</p>



<i>Staff Input and Analysis below)</i>	<p><b>This project is not currently included in the department's work plan. However, it will support overall heritage planning in the District.</b></p>
<p>Alignment with Council's Strategic Priorities  <i>Indicate the Strategic Priorities that are supported by the project/initiative and include a brief explanation.</i></p>	<p><b>Quality of Life:</b> Council is committed to "stewarding the community's history, landscape, culture and amenities..."; this initiative supports stewarding the community's history by providing a framework and tools to guide Oak Bay's heritage stewardship planning and practices.</p> <p><b>Service Excellence:</b> The tool kit will increase the effectiveness of staff and volunteers in heritage planning and stewardship</p>
<p>Alignment with Advisory Body Mandate  <i>Indicate and briefly explain the ways in which the proposed project/initiative is aligned with the Advisory Body's mandate.</i></p>	<p>Bylaw 4770, the Commission's establishing bylaw, specifically states that the Commission shall "... advise Council on a range of community heritage matters, including:</p> <p>3 c) Reviewing existing and proposed District plans, strategies or other regulatory initiatives for input and advice to Council pertaining to heritage conservation, including any planning initiatives related to Heritage Conservation Areas and the Oak Bay Heritage Plan</p>
<b>SPECIAL PROJECT / INITIATIVE #5</b>	
Title of Special Project /	<b>Heritage-Related District Website Updates</b>
Brief Description	<p>Review existing heritage-related content on the District of Oak Bay website to identify incorrect or missing information and develop corrections and updates</p>
Is this project: (please check)	
<input checked="" type="checkbox"/> New for the Coming Year <input type="checkbox"/> Continued/Ongoing from Previous Year(s)	



<input type="checkbox"/> Other (please specify: _____)	
<b>Key Tasks &amp; Timelines</b> <i>List each key task and amount of time required for completion (# of weeks or months)</i>	<ul style="list-style-type: none"> <li>• Review heritage-related pages on the District website and inventory the information (Q3, 2022)</li> <li>• Identify incorrect and missing information in collaboration with the Oak Bay Heritage Foundation and Oak Bay Archives (Q3, 2022) and determine an appropriate home for the content</li> <li>• Recommend updates or corrections to existing website content to District staff and provide publishing-ready content as required (Q4, 2022)</li> </ul>
<b>Expected Completion</b> <i>When does the Advisory Body expect to complete this project?</i>	Project will be completed by December 31, 2022 with a draft report being provided to the Heritage Commission before this date.
<b>Financial Impact</b> <i>How much funding is the Advisory Body requesting to complete this project?</i>	No funds are required for this initiative
<b>Operational Impact</b> <i>Type and amount of staff support required. (Also see Staff Input and Analysis below)</i>	<p>It is estimated that 5 hours of Building and Planning staff time are required for this initiative.</p> <p>Communications staff time will be required to amend website content, estimated at up to 15 hours</p>
<b>Alignment with Council's Strategic Priorities</b> <i>Indicate the Strategic Priorities that are supported by the project/initiative and include a brief explanation.</i>	Service Excellence: This initiative supports Council's strategic priority by helping to foster public engagement and ensuring information provided by the District is accurate and up to date.
<b>Alignment with Advisory Body Mandate</b> <i>Indicate and briefly explain the ways in which the proposed project/initiative is aligned with the Advisory Body's mandate.</i>	<p>This initiative supports Goal 5 of the <i>Oak Bay Heritage Plan</i>:</p> <p>Goal 5: Celebrate Oak Bay's Unique History Actions:</p> <ul style="list-style-type: none"> <li>• Continue and enhance support for the Oak Bay Archives</li> <li>• Continue and enhance support for the Oak Bay Heritage Commission and Heritage Foundation</li> <li>• Continue to celebrate Oak Bay's unique sense of place and the promotion of local heritage themes</li> </ul>



	Although this initiative is not directly specified in the Commission's mandate, it is important to assisting Council achieve the goals of the <i>Heritage Strategic Plan</i>
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### 3. Staff Input and Analysis

#### 1. **Volunteer Development for Commission Members**

The District is committed to providing opportunities for ongoing volunteer development, beginning with a biannual Orientation Session for each Commission. The District is a member of Heritage BC, and this provides access to the organization's training webinars and workshops. Access to training opportunities will assist the Commission members to be effective in their roles, and requires little to no additional staff time. In addition, providing access to Heritage BC webinars or other training during the Commission's regular meeting time will help to ensure that meetings need not be cancelled when there is no heritage-related application or other Council referral for the Commission to consider.

#### 2. **Compile Reference Links for Heritage-Related Websites and Resources**

This initiative is a volunteer-driven one that will require about two hours of staff time to coordinate. It will be a useful reference tool to include in the forthcoming Heritage Commission Orientation Manual.

#### 3. **Develop Recommendations to Update and Expand the Community Heritage Register**

Commission assistance in updating the Heritage Register will complement the work of staff. Without the Commission identifying properties, assisting with research, and reviewing draft entries, staff would be required to carry out all the work in order to maintain, update and expand the Heritage Register. This work is not included in the staff work plan for 2022, however, the bulk of work forecast for 2022 – mainly research -- can be carried out by Commission members.

#### 4. **Heritage Best Practices**

Of all the initiatives contained in this work plan, this one will require the most staff support and financial resources. However, this project is anticipated to have the greatest impact to the District's operations, heritage planning efforts, and long-term management of heritage assets in Oak Bay. From the perspective of staff, there is a need to evaluate best practices and establish clear procedures and policy to support Council's objectives. Although not directly included in the department work plan for 2022, an inventory of best heritage practices in BC communities, and a tool kit for use by Oak Bay staff, volunteers and Council will assist the District's heritage conservation efforts.

In order to begin moving this important initiative forward with minimal impact on department resources, it is therefore proposed to engage the services of a contractor to manage the



initiative in 2022. The limited number of Community Building and Planning Department staff hours, together with external resources to support this initiative, are considered to be a worthwhile investment to support the Council Strategic Plan and heritage planning in the District.

## **5. Heritage-Related District Website Updates**

It is important to note that the Heritage Commission is aware that the District plans a significant update of the District's website in 2023. This volunteer-led initiative is intended to correct existing information, not to overhaul the heritage or heritage property pages currently housed on the District's site. The project will require minimal investment of time by Building and Planning Department staff. Once updates have been identified and developed by Commission members, in collaboration with the heritage Foundation and Archives, follow-up will be carried out by Communications staff in the Corporate Services Department. Website updates are estimated to take 10 to 15 hours by Communications staff.

Respectfully submitted,

**Heritage Commission**



# Schedule K: 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%2C%202018%20Reduced.pdf>

Oak Bay Council Procedure Bylaw

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

Oak Bay Heritage Strategic Plan

<https://www.oakbay.ca/sites/default/files/municipal-hall/Reports/Oak%20Bay%20Heritage%20Strategic%20Plan%20Report%202013-05-08%20lo-res.pdf>

Oak Bay Community Heritage Register

<https://www.oakbay.ca/our-community/heritage/heritage-sites/tour-heritage-properties>

BC Local Government Act -- see specifically Part 15

[https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001\\_01](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](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>

Heritage BC Resource Guides and Other Publications

<https://heritagebc.ca/resources/tips-tools-publications-guides/>



# Schedule L: Contact Information

## *Members of the Heritage Commission*

\*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, Town of Ladysmith and the Oak Bay Archives for examples, photographs and inspiration in the production of this document.

July 2022

DISTRICT OF  
**OAK**  **BAY**