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THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**REGULAR MEETING OF THE COUNCIL  
OF THE VILLAGE OF LIONS BAY  
HELD ON TUESDAY, JANUARY 28, 2020 at 7:00 PM  
COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

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**AGENDA**

- 1. Call to Order**
- 2. Adoption of Agenda**
- 3. Public Participation (2 minutes per person totalling 10 minutes maximum)**
- 4. Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)**
- 5. Review & Approval of Minutes of Prior Meetings**
  - A. Regular Council Meeting – January 14, 2020 (Page 5)  
THAT the Regular Council Meeting Minutes of January 14, 2020 be approved as circulated.
- 6. Business Arising from the Minutes**
- 7. Unfinished Business**
  - A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Person Responsible
104	September 17, 2019	G2: Letter from Minister of Public Safety re. Speeding on Sea to sky – Mayor McLaughlin meeting with Mayor of Squamish and RCMP on January 15 and 28, 2020.	Mayor McLaughlin

- 8. Reports**
  - A. Staff
    - i. CFO: 2019 Draft Water, Solid Waste and Sewer Budgets (Page 15)  
THAT the report “2020 Draft Water, Solid Waste and Sewer Budgets” be received for information purposes.
    - ii. CFO: BDO Planning Report (Page 25)  
THAT the Information Report “BDO Planning Report” be received for information purposes.

- B. Mayor
  - i. Throne Speech
  - ii. Average Speed Over Distance (ASOD)
  - iii. Snow Angels
  - iv. TransLink
- C. Council – None
- D. Committees
  - i. Trees, Views and Landscapes Committee – Tree App #99: 233 Bayview Road – Committee Recommendation (Page 55)

THAT the applicant of 233 Bayview Road be permitted to trim the past 12 months growth of the trees mentioned in the application. The Tree Committee viewed this as maintenance and not topping. It should be noted that the trees have been topped for many years and this maintenance will help stop leaders from growing, and;

THAT the maples and the cherry trees should be removed completely; and

THAT the applicant must clean up and remove all associated debris.

- E. Emergency Services – None

## 9. Resolutions

## 10. Bylaws

- A. Secondary Suite Surcharge Bylaw No. 513, 2017, Amendment Bylaw No. 571, 2020 – Three Readings (Page 67)  
 THAT Secondary Suite Surcharge Bylaw No. 513, 2017, Amendment Bylaw No. 571, 2020 be introduced and read a first, second and third time.

## 11. Correspondence

- A. List of Correspondence to January 23, 2020 (Page 77)  
 THAT the following actions be taken with respect to the correspondence:

## 12. New Business

- A. Councillor Abbott – to lead CAO 2020 (mid/final) Performance Review
- B. Councillor Cunliffe – Volunteer Week (April 19-25)

**13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)**

**14. Closed Council Meeting**

Proposed topics for discussion in the absence of the public:

A. Inter-Municipal Business Licensing Proposal for Ride Hailing

THAT the Council considers negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages could reasonably be expected to harm the interests of the Municipality if they were held in public.

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

**90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;

k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the Municipality if they were held in public.

n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

*Council does not anticipate reconvening the open meeting for any purpose other than to adjourn the meeting generally and report out, if applicable.*

*[OR]*

*Council anticipates reconvening the open meeting to discuss the following item(s):*

**15. Reporting Out from Closed Portion of Meeting**

**16. Adjournment**

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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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### **REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, JANUARY 14, 2020 at 7:00 PM COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY**

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#### **MINUTES**

In Attendance:

Council: Mayor Ron McLaughlin  
Councillor Neville Abbott  
Councillor Fred Bain  
Councillor Norm Barmeier  
Councillor Jaime Cunliffe

Staff: Chief Administrative Officer Peter DeJong  
Chief Financial Officer Pamela Rooke  
Public Works Manager Nai Jaffer  
Recording Secretary Carol Lee

Delegations: 0  
Public: 1

**1. Call to Order**

Mayor McLaughlin, called the meeting to order at 7:05 p.m.

**2. Adoption of Agenda**

Moved/Seconded

THAT:

- (1) The agenda be varied to consider Item 8Di following Item 3;
- (2) Item 5C – Curly Stewart Memorial Trust Fund Award (CSMTFA) Committee Meeting – January 7, 2020 be added;
- (3) Item 7B – Location of Electric Vehicle (EV) Charging Stations be added and the subsequent item be renumbered;
- (4) Item 8Bi – Composition of Infrastructure Committee (IC) for 2020 be added;
- (5) Item 8Bii – Plaque for Piano Donation be added;
- (6) Item 8Biii – January 14, 2020 TransLink Events be added;
- (7) Item 8Dii – Curly Stewart Memorial Trust Fund Award (CSMTFA) Committee be added; and

(8) The agenda be adopted, as amended.

**CARRIED**

**3. Public Participation (2 minutes per person totalling 10 minutes maximum)**

A. Bruce Kennedy

CAO DeJong distributed the handout provided by Mr. Kennedy.

Mr. Kennedy advised that he is the “affected neighbour” as defined in the tree guidelines. Mr. Kennedy expressed opposition to the application to top a tree on municipal property due to the potential negative impact on the privacy of his residence.

*Audio: 00:09*

**Agenda Varied**

In accordance with Item 2, the agenda was varied to consider Item 8Di at this time.

**8. Reports**

**Change in Chair**

Mayor McLaughlin declared that he is also an “affected neighbour” in respect of the next item on the Agenda and relinquished the Chair but, in consultation with the CAO, determined he was not in a conflict of interest. Councillor Bain assumed the Chair.

D. Committees

i. Trees, Views and Landscape Committee – Tree App #98: 385 Oceanview Road

Discussion ensued on:

- The applicant requested that the trees be trimmed further following BC Hydro’s initial trimming
- Whether the trimming performed by BC Hydro brings the height of the trees to the proposed cut line in the application
- Suggestion that the decision on the application be deferred until the next Council meeting to allow the Trees, Views and Landscapes Committee to revisit the site to take photographs from the properties of the affected neighbours
- The opinion of the affected neighbours deserves the same consideration as the applicant given that the tree is on municipal property
- Mr. Kennedy advised that he is willing to accept the trimming of the trees by an additional one foot to limit the impact to the privacy of his property.

Moved/Seconded

THAT

- (1) the applicant for tree application #98: 385 Oceanview Road is permitted to trim and level off the four (4) firs mentioned in the application by 12 inches. The applicant must clean up and remove all associated debris; and
- (2) the dogwood mentioned in the application is to be removed; topping is not permitted. The applicant must clean up and remove all associated debris.

**CARRIED**

**OPPOSED: CLR. ABBOTT**

*Audio: 00:32*

### **Change in Chair**

Mayor McLaughlin reassumed the Chair.

### **Agenda Varied**

The order of the agenda was resumed.

#### **4. Public Delegation Requests Accepted by Agenda Deadline (10 minutes maximum)**

None

#### **5. Review & Approval of Minutes of Prior Meetings**

##### **A. Regular Council Meeting – December 17, 2019**

The 3<sup>rd</sup> discussion bullet in item 8Ai – 2020 Council Meeting Schedule was amended to read: “A request to maintain the current schedule of holding Council meetings on the first and third Tuesdays of each month, as residents expect Council meetings to be held on these days, and to hold Special Council meetings, as required.”

Moved/Seconded

THAT the Regular Council Meeting Minutes of December 17, 2019 be approved as amended.

**CARRIED**

##### **B. Council Strategy Committee Meeting – November 25 and 26, 2019**

Moved/Seconded

THAT the Council Strategy Committee Meeting draft Minutes of November 25 and 26, 2019 be received for information with the following suggested amendments:

- Spell out A/C watermains as “Asbestos/Cement watermains” on page 16 of 106.
- Delete the last line of paragraph i on page 18 of 106 and replace it with the following:

“It was suggested that creating a bigger tax base is preferable over increasing the taxes payable, which statement was not agreed with by all members of Council.”

**CARRIED**

Councillor Abbott suggested that the Village undertake a major update of the Official Community Plan (OCP) in a manner similar to the last OCP review, which was done at minimal cost with the use of volunteer resources.

Councillor Abbott expressed concern that CAO DeJong had requested he change the wording of the article that he had prepared for the Village Update regarding options/implications of the Metro Vancouver Regional Growth Strategy (RGS) on land use planning in Lions Bay per the draft minutes at pages 26-27 of 106 in respect of Item X: Urban Containment Boundary.

C. Curly Stewart Memorial Trust Fund Award (CSMTFA) Committee Meeting – January 7, 2020

The draft minutes of the January 7, 2020 Curly Stewart Memorial Trust Fund Award Committee meeting was provided on table.

Moved/Seconded

THAT the Curly Stewart Memorial Trust Fund Award Committee Meeting Minutes of January 7, 2020 be received for information.

**CARRIED**

*Audio: 00:51*

**6. Business Arising from the Minutes**

None

**7. Unfinished Business**

A. Follow-Up Action Items from Previous Meetings

#	Meeting Date	Description of Action Item	Action
104	September 17, 2019	G2: Letter from Minister of Public Safety re. Speeding on Sea to sky – Mayor to contact the Mayor of Squamish and the RCMP.	Mayor McLaughlin will be meeting with the Mayor of Squamish and the RCMP on January 15, 2020 and January 28, 2020, respectively.
122	December 17, 2019	R1: Trevor Luciuk – Wood Burning – Councillor Abbott to respond	Completed

**B. Location of Electric Vehicle (EV) Charging Stations**

PWM Jaffer reported that quotations had been requested from land surveyors. The survey work will be issued following the receipt of the quotations.

**C. 2020 Council Meeting Schedule**

CAO DeJong referenced the proposed 2020 Council Meeting schedule and highlighted:

- Proposed changes to the February and March 2020 meeting dates, moving them back to the first and third Tuesdays of the month
- The January 28, 2020 meeting is required for CFO Rooke to bring forward utility budgets
- Three options for the fall 2020 schedule.

Discussion ensued on the suggestion that the June and July 2020 meetings be held on the first and third Tuesdays of the month. Staff indicated that the three week intervals between meetings in June and July 2020 are required to provide more time to work on substantive matters.

Moved/Seconded

THAT Council approves the 2020 meeting dates, as presented, with the inclusion of Option C for the fall 2020 schedule.

**CARRIED**  
**OPPOSED: CLR. ABBOTT**

*Audio: 01:06*

**8. Reports (Continued)**

**A. Staff**

**i. CAO - Information Report: Strategic Planning and 2020 Priority Setting**

CAO DeJong reviewed the report and attachments provided with the agenda material.

Discussion ensued on:

- The lists of top 10 priorities includes all ideas submitted by Councillors
- Suggestion that the goals be deleted from the poster to make it easier to read
- The need to include the improvement of transit schedules as a 2020 priority
- Confirmation that the poster and the entire report will be publicly available
- Suggestion to continue to focus on emergency management
- Suggestion to possibly edit the list of projects for public consumption.

Moved/Seconded

THAT the Information Report titled “Strategic Planning and 2020 Priority Setting” be received.

**CARRIED**

*Audio: 01:17*

ii. CAO Request for Direction: Metro Wood Burning Bylaw

CAO DeJong reviewed the report and noted:

- The capital costs of replacing or retrofitting a non-compliant wood burning appliance are disproportionate to the financial incentives offered through the Metro Vancouver (MV) Wood Stove Exchange Program
- Suggestion that MV be requested to assist the Village in lobbying FortisBC to extend natural gas services to Lions Bay, as conversion from a wood burning appliance to natural gas would be the most beneficial in terms of reducing harmful wood smoke particulate emissions.

Discussion ensued on:

- Potential options to transport natural gas to Lions Bay
- Analysis of the options to pursue desired results:
  - Recommendation that the Village seek deferred applicability of the proposed bylaw for a period of seven years (e.g. 2032 when the Energy Step Code is scheduled to be fully implemented) and request resources and assistance from MV
  - Strategy to improve the likelihood of success of the Village’s request for deferred applicability of the proposed bylaw
- The proposed bylaw is financially punitive and is not viable for many Village residents.

Moved/Seconded

THAT:

- (1) Council seek deferred applicability of the proposed Metro Vancouver bylaw for residential indoor wood burning for a period of seven years; and
- (2) Council request resources and assistance from Metro Vancouver in pursuit of:
  - A. A more concentrated education and incentives campaign;
  - B. A campaign to lobby FortisBC to extend their gas line to Lions Bay; and
  - C. Gradual conversion of inefficient wood burning appliances for compliant ones or for non-wood burning appliances through education, incentives and a new Building bylaw.

**CARRIED**

*Audio: 01:57*

B. Mayor

i. Composition of Infrastructure Committee (IC) for 2020

Mayor McLaughlin noted the vacancy created by the passing of a member of the Infrastructure Committee, Jim Mutrie. It has been suggested that Mr. Mutrie's chair be left vacant for one year. Mayor McLaughlin advised of his intention to vacate his designated position on the IC, and to continue to participate as an ex-officio member, in order to meet the required balance of resident and Council representatives on the IC.

ii. Plaque for Piano Donation

Moved/Seconded

THAT an expenditure of up to \$100 be approved for a small plaque to be placed in Broughton Hall to acknowledge the donation of the piano.

**CARRIED**

iii. January 14, 2020 TransLink Events

Mayor McLaughlin advised that the TransLink buses were delayed on the morning of January 14, 2020 by over one hour, leaving several residents waiting in the severe weather for an extended period of time. There was no notice of or reason for the delay provided to the transit users.

TransLink staff has been requested to provide an explanation and acknowledgement of the impact of the delays. Mayor McLaughlin will relay the response provided by TransLink in the next issue of the Village Update.

C. Council

None

D. Committees

i. Curly Stewart Memorial Trust Fund Award (CSMTFA) Committee

Councillor Abbott requested that:

- CAO DeJong commence recruitment to fill the two vacancies on the CSMTFA Committee
- CFO Rooke contact the Vancity Foundation regarding the conditions for receiving matching for funds invested
- CFO Rooke provide information regarding when the first Curly Stewart Memorial Trust Fund was established.

E. Emergency Services

i. RCMP Monthly Report

Moved/Seconded

THAT the RCMP Monthly Report be received for information.

**CARRIED**

*Audio: 02:12*

**9. Resolutions**

None

**10. Bylaws**

None

**11. Correspondence**

A. List of Correspondence to January 9, 2020

Moved/Seconded

THAT the following actions be taken with respect to the correspondence:

- G1: BC Natural Resources Forum (Page 1) – No action required
- G2: \$10 a Day Child Care Plan (Page 2) see PDF attachment on digital version – No action required
- G3: North Shore Congress (Page 3) – Councillor Barmeier to attend
- G4: Lower Mainland Local Government Association: Call for Resolutions and Nominations (Page 6) – No action required
- G5: Howe Sound Community Forum (Page 13) – Add April 24, 2020 as the date of the next Howe Sound Community Forum to the corporate calendar
- G6: BC Hydro Community Relations Annual Report 2019 (Page 17) see PDF attachment on digital version – No action required
- G7: 2019 Survey of Licensed Child Care Spaces and Policies (Page 18) – No action required
- R1: Trevor Luciuk - Wood Burning – Response provided by Cllr. Abbott.

Councillor Abbott suggested that all resident correspondence provided to Council regarding the cell tower should have been included in the correspondence section of the agenda material as that is where residents expect to see their communications. CAO DeJong noted that the correspondence was already included in the body of the agenda. It was agreed that in the future, staff to list the correspondence received and to provide a cross-reference to the location of the documents in the body of the agenda, if they are not contained in the correspondence section.

*Audio: 02:27*

**12. New Business**

None

**13. Public Questions & Comments (2 minutes on any topic discussed in this meeting)**

None

**14. Closed Council Meeting**

Proposed topics for discussion in the absence of the public:

- A. Disposition of Property
- B. Legal Advice
- C. Labour and Employee Relations.

Moved/Seconded

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

**90(1)** A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- c) labour relations and other employee relations
- e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality
- i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

**CARRIED**

Mayor McLaughlin advised that Council does not anticipate reconvening the open meeting for any purpose other than to adjourn the meeting generally and report out if applicable.

*The meeting was closed to the public at 9:37 p.m.*

*The meeting was reopened to the public at 10:15 p.m.*

**15. Reporting Out from Closed Portion of Meeting**

Mayor McLaughlin reported that the Closed Report on Corporate Strategic Planning and 2020 Priority Setting was received.

**16. Adjournment**

Moved/Seconded

THAT the meeting be adjourned.

**CARRIED**

*The meeting was adjourned at 10:16 pm.*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Date Approved by Council:	
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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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<b>Type</b>	Report to Council		
<b>Title</b>	2019 Draft Water, Solid Waste and Sewer Budgets		
<b>Author</b>	Pamela Rooke	<b>Reviewed By:</b>	Peter DeJong
<b>Date</b>	January 23, 2020	<b>Version</b>	
<b>Issued for</b>	January 28, 2020 Regular Council Meeting		

### RECOMMENDATION

THAT the report “2020 Draft Water, Solid Waste and Sewer Budgets” be received for information purposes.

### ATTACHMENTS

1. 2020 Draft Water, Solid Waste and Sewer Budgets

### KEY INFORMATION

The attached 2020 draft budgets provide the details and backup for the calculation of the user rates that will form the basis of the Water, Solid Waste and Sewer Bylaws that are scheduled for 1st, 2nd and 3rd reading at the February 4, 2020 Council Meeting.

### FOLLOW UP ACTION

Staff will be available to respond to any questions at the January 28, 2020 Council meeting. The draft budgets will be reviewed again at the February 4, 2020 meeting.

## Village of Lions Bay 2020 Draft Water Budget

	2018 Actual	YTD Actual 2019	2019 Budget	2020 Budget	Change	%	Notes
Parcel Tax Brunswick Beach	10,585	10,585	10,585	10,585	-	0.0%	
Water User Rates	837,613	879,494	879,494	879,494	-	0.0%	1
Secondary Suite Fees	21,056	18,920	21,056	20,000	(1,056)	-5.0%	2
Connection Fees	1,200	13,891	-	-	-	n/a	
CWWF Grant	75,532	1,641,372	1,961,229	303,838	(1,657,391)	-84.5%	3
Other Grants	7,450	2,550	2,550	-	(2,550)	-100.0%	
Loan Proceeds	-	-	-	600,000	600,000	n/a	4
Emergency Financial Assistance (EMBC)	110,553	-	-	-	-	n/a	
Other - MFA Actuarial Gain	19,902	22,869	22,869	25,952	3,083	13.5%	
<b>Total Revenues</b>	<b>1,083,890</b>	<b>2,589,682</b>	<b>2,897,783</b>	<b>1,839,869</b>	<b>(1,057,914)</b>	<b>-36.5%</b>	
Amortization	161,786	263,626	263,626	310,526	46,900	17.8%	
Communications	2,775	2,787	2,900	2,900	-	0.0%	
Interest Payments	89,146	57,336	57,336	64,728	7,392	12.9%	
Emergency Repairs	110,553	-	-	-	-	n/a	
Insurance	26,446	26,649	26,649	31,980	5,331	20.0%	
Maintenance	50,363	55,681	45,500	97,665	52,165	114.6%	5
Material, Supplies and Equipment	45,059	39,391	46,000	46,000	-	0.0%	
Professional Fees / Contract Services	46,421	55,289	64,063	65,000	937	1.5%	6
Salaries and Benefits	282,493	327,460	362,376	374,432	12,056	3.3%	
Sundry	15,931	15,829	17,500	17,500	-	0.0%	
Training / Professional Development	4,894	3,842	3,480	4,750	1,270	36.5%	7
Utilities	11,976	11,620	12,750	12,750	-	0.0%	
Internal Allocations	55,000	55,000	55,000	55,000	-	0.0%	
<b>Total Expenditures</b>	<b>902,843</b>	<b>914,508</b>	<b>957,180</b>	<b>1,083,231</b>	<b>126,051</b>	<b>13.2%</b>	
<b>Surplus / (Deficit)</b>	<b>181,047</b>	<b>1,675,173</b>	<b>1,940,603</b>	<b>756,638</b>			

**Village of Lions Bay  
2020 Draft Water Budget**

	2018 Actual	YTD Actual 2019	2019 Budget	2020 Budget	Change	%	Notes
Amortization	161,786	263,626	263,626	310,526			
MFA Actuarial Gain on Debt	(17,328)	(22,869)	(22,869)	(25,952)			
<b>Cash Surplus</b>	<b>325,505</b>	<b>1,915,930</b>	<b>2,181,360</b>	<b>1,041,212</b>			
Capital Expenditures	(91,003)	(1,997,548)	(2,420,426)	(1,016,070)			8
Repayment of Debt Principal	(53,021)	(62,832)	(62,862)	(63,019)			
Draw from Surplus (loan)	15,471	336,185	401,697	62,232			
Draw from Surplus (re-budget)		14,760	23,063	6,000			9
<b>Transfer (from) to Water Surplus</b>	<b>196,952</b>	<b>206,495</b>	<b>122,832</b>	<b>30,355</b>			

**Notes:**

- 1 The revenue includes a 0% increase in user rates (rates to be determined).  
(A 1% increase in user rates raises \$8,795).
- 2 Secondary suite fees are based on the actual number of suites paid in 2019 (30).
- 3 The Clean Water Wastewater Fund (CWWF) grant revenue and related capital expense have been re-budgeted for 2020 as the project was not completed in 2019.
- 4 Further to the December 3, 2019 Council resolution, the Village has submitted an application for the 2020 MFA Spring borrowing.
- 5 Budget includes additional water maintenance requirements mandated by Vancouver Coastal Health as part of routine operations and maintenance, \$25k for a watermain upgrade for a section of road in Brunswick Beach and additional hydrant maintenance.

**Village of Lions Bay  
2020 Draft Water Budget**

2018 Actual	YTD Actual 2019	2019 Budget	2020 Budget	Change	%	Notes
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- 6 Budget is comprised of:
 

Rock Slope Remediation	30,000	
UBC Hydrology Study Contribution	8,000	(includes \$6k re-budget)
General Contract Services	15,000	
Water Testing	12,000	65,000
  
- 7 Budget includes a group Confined Space Entry course for all PW staff.
  
- 8 Capital Expenditures include the balance of the CWWF Water Tank and three PRV's.
  
- 9 Re-budget is comprised of the UBC Hydrology Study contributions for the years 2017-2019 which were budgeted but have not been paid.

## Village of Lions Bay 2020 Draft Solid Waste Budget

	2018 Actual	YTD Actual 2019	2019 Budget	2020 Budget	Change	%	Notes
Garbage User Fees	183,570	186,697	186,357	194,380	8,023	4.3%	1
Secondary Suite Fees	4,690	4,078	4,690	4,200	(490)	-10.4%	2
Miscellaneous Revenue	296	424	275	275	-	0.0%	
<b>Total Revenues</b>	<b>188,556</b>	<b>191,199</b>	<b>191,322</b>	<b>198,855</b>	<b>7,533</b>	<b>3.9%</b>	
Supplies and Education	103	806	500	750	250	50.0%	
NS Transfer Station Agreement	-	1,500	1,500	1,500	-	0.0%	
Collection Contract	49,907	50,535	50,791	53,169	2,378	4.7%	3
Recycle Removal Contract	50,887	50,786	52,972	52,704	(268)	-0.5%	3
Green Waste Contract	73,910	69,889	69,780	72,571	2,791	4.0%	3
Prompt Payment Discounts	5,082	4,951	5,215	5,400	185	3.5%	
Internal Allocations	9,500	9,500	9,500	9,500	-	0.0%	
<b>Total Expenditures</b>	<b>189,389</b>	<b>187,969</b>	<b>190,258</b>	<b>195,594</b>	<b>5,336</b>	<b>2.8%</b>	
<b>Surplus / (Deficit)</b>	<b>(833)</b>	<b>3,230</b>	<b>1,064</b>	<b>3,261</b>			

### Notes:

- 1 The revenue includes a 4.0% increase in residential user rates (equates to \$14 increase over 2019 rates per household).
- 2 Secondary suite fees are based on the actual number of suites paid in 2019 (30).
- 3 Garbage, recycling and green waste costs will increase by 4% in 2019 due to an increase in Metro Vancouver disposal costs.

## Village of Lions Bay 2020 Draft Sewer Budget

	2018 Actual	YTD Actual 2019	2019 Budget	2020 Budget	Change	%	Notes
Utility Fees and Rates	68,034	72,276	72,276	72,276	-	0.0%	1
Secondary Suite Fees	2,561	2,353	2,689	2,350	(339)	-12.6%	2
Connection Fees	-	-	-	-	-	n/a	
<b>Total Revenues</b>	<b>70,595</b>	<b>74,629</b>	<b>74,965</b>	<b>74,626</b>	<b>(339)</b>	<b>-0.5%</b>	
Amortization	14,407	20,961	20,961	26,256	5,295	25.3%	
Communications	-	-	700	700	-	0.0%	
Insurance	2,470	3,498	3,498	4,198	700	20.0%	
Maintenance	33,222	37,683	44,500	29,000	(15,500)	-34.8%	3
Material, Supplies and Equipment	50	-	6,100	11,150	5,050	82.8%	4
Professional Fees / Contract Services	1,763	14,864	75,000	9,000	(66,000)	-88.0%	5
Salaries and Benefits	12,895	19,363	13,979	18,552	4,573	32.7%	6
Sundry	1,943	1,991	2,125	2,125	-	0.0%	
Training / Professional Development	629	367	2,700	2,000	(700)	-25.9%	7
Utilities	2,309	1,401	2,500	2,500	-	0.0%	
Internal Allocations	4,000	4,000	4,000	4,000	-	0.0%	
<b>Total Expenditures</b>	<b>73,689</b>	<b>104,128</b>	<b>176,063</b>	<b>109,481</b>	<b>(66,582)</b>	<b>-37.8%</b>	
<b>Surplus / (Deficit)</b>	<b>(3,094)</b>	<b>(29,499)</b>	<b>(101,098)</b>	<b>(34,855)</b>			
Amortization	14,407	20,961	20,961	26,256			
<b>Cash Surplus / (Deficit)</b>	<b>11,313</b>	<b>(8,538)</b>	<b>(80,137)</b>	<b>(8,599)</b>			
Capital Expenditures	-	-	(95,000)	-			8
Transfer from Surplus - Re-Budgets	-	5,000	7,100	14,600			9
<b>Transfer (from) to Sewer Surplus</b>	<b>11,313</b>	<b>(3,538)</b>	<b>(168,037)</b>	<b>6,001</b>			

**Village of Lions Bay**  
**2020 Draft Sewer Budget**

**Notes:**

- 1 The revenue includes a 0% increase in user rates (rates to be determined).
- 2 Secondary suite fees are based on the actual number of suites paid in 2019 (7).
- 3 Budget includes \$20k for the annual treatment plant pump-out.
- 4 Budget includes \$4k for confined space rescue equipment and \$6.4k for a microscope.
- 5 Budget includes \$6.5k for a re-budget of the balance of the EHD Consulting fees for the RBC Replacement RFP.
- 6 The portion of PW salaries allocated to the sewer fund was increased to better reflect the actual time spent on sewer tasks.
- 7 Budget includes a group Confined Space Entry course for all PW staff and a Wastewater course for one staff.
- 8 Capital will include the replacement of the Wastewater Treatment Plant. Funding options (including a parcel tax) will be considered by Council when the costs have been determined.

9 Re-budgets include:

Material, Supplies and Equipment	6,100	
EHD Consulting - RBC Replacement RFP	6,500	
Training / Professional Development	2,000	14,600

These items were budgeted in 2019 but will not be purchased/completed until 2020.



BAY

## THE MUNICIPALITY OF THE VILLAGE OF LIONS

## BUDGET SUPPLEMENTAL DETAIL

Department:	Public Works	Budget Year	2020
Asset Category:	SEW	Type:	Expanded

## PROJECT DESCRIPTION

Binocular Microscope

## JUSTIFICATION DETAIL

RBC treatment technology relies solely upon the action of microbial communities. The performance, and consequently, the efficiency of the treatment depends upon maintaining high densities and activities of those microorganisms that satisfy the purification demands. The monitoring of microbial health can only be done via microscopy and is essential to understanding the effectiveness of the treatment plant's operation. WWTP disk rotation can be modified to increase or decrease aerobic and anaerobic conditions depending upon the bacterial community within the treatment process.

## CONSEQUENCES OF NOT FUNDING

Staff will continue to operate the plant 'in the dark' without understanding the true health of the treatment process. We will be subject to overloading or underloading. Errors in the treatment process will require additional lab sampling which includes obtaining grab samples – sending to the lab for analysis – reviewing the results and modifying plant parameters. This may happen several times a year.

## FUTURE BUDGET IMPACT

None.

## BACKGROUND

Specifications Provided By:	Staff	Date of Estimate:	January 2020
Source of Cost Estimate:	Opti-Tech Scientific Equipment		

## FINANCIAL DATA

COST BREAKDOWN		OFFSETS	
Equipment Cost:	\$6,400	Total:	\$6,400
Materials:		2019 Re-Budget:	(\$3,000)
Labour:		Trade-In:	
Total	\$6,400 plus taxes	Net Cost	\$3,400
ANNUAL OPERATING COST IMPACT		TIMING OF PROJECT	
Equipment:		Start :	Aug. 31      End:      Dec. 31
Materials:		Describe risk or potential for re-budget:	
Labour:		None.	



# THE MUNICIPALITY OF THE VILLAGE OF LIONS

BAY

## BUDGET SUPPLEMENTAL DETAIL

Total	Nil.	
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Intentionally Blank



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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<b>Type</b>	<b>Report to Council</b>		
<b>Title</b>	<b>Information Report – BDO Planning Report</b>		
<b>Author</b>	<b>Pamela Rooke</b>	<b>Reviewed By:</b>	<b>Peter DeJong</b>
<b>Date</b>	<b>January 22, 2020</b>	<b>Version</b>	<b>-</b>
<b>Issued for</b>	<b>January 28, 2020 Regular Council Meeting</b>		

### RECOMMENDATION

THAT the Information Report “BDO Planning Report” be received for information purposes.

### ATTACHMENTS

- Village of Lions Bay Planning Report to the Mayor and Council

### KEY INFORMATION

As part of the annual audit process, the Village’s external auditors, BDO Canada, issues an audit planning report to Mayor and Council for their review. The report highlights and explains key issues relevant to the audit of the financial statements for the year ended December 31, 2019. The 2019 year-end audit is scheduled for April 13 – 17.

### FOLLOW UP ACTION

Staff will be available to respond to any questions at the January 28, 2020 Council meeting.



# VILLAGE OF LIONS BAY

## AUDIT PLANNING REPORT TO THE MAYOR AND COUNCIL

January 15, 2020

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## EXECUTIVE SUMMARY



### Your BDO Audit Team

Paul Fripp, CPA, CA will be the lead on the engagement team, supported by Bill Cox, FCPA, FCA. Please refer to page 5 for contact information should you have any questions or concerns regarding the financial statement audit.



### Timeline

See the [Audit Timeline](#) section of the report for the detailed milestones.



### Key Audit Areas

Our audit is focused on key audit areas specific to your business and accounts. Specifically, we have identified the following areas on which to focus:

- ▶ Management override of internal controls
- ▶ Revenue recognition
- ▶ Assets held for sale



### Materiality

Materiality for the current year audit will be based revenues. Materiality is preliminarily set at \$100,000 for the year ended December 31, 2019.



### Engagement Objectives

Our overall responsibility is to form and express an opinion on the financial statements. The performance of this audit does not relieve management or those charged with governance of their responsibilities. Please see the attached engagement letter in [Appendix B](#) for specific details regarding the scope of our work.



### Fraud Discussion

Through our planning process, and prior years' audits, we have developed an understanding of your oversight processes. We are not currently aware of any fraud affecting the Village. Please see [Appendix E](#) for clarification of the auditor's responsibilities for detecting fraud.

If you are aware of changes to processes or are aware of any instances of actual, suspected or alleged fraud affecting the Village, we request that you provide us with this information.

## YOUR DEDICATED BDO AUDIT TEAM

In order to ensure effective communication between the Mayor and Council and BDO Canada LLP, the contact details of the engagement team are outlined below. We attempt to provide continuity of service to our clients to the greatest extent possible in accordance with mandated partner rotation rules. When rotation is required for key members of the engagement team, we will discuss this matter with the Mayor and Council and determine the appropriate new individual(s) to be assigned to the engagement based on particular experience, expertise and engagement needs.

NAME	ROLE	PHONE NUMBER	EMAIL
Paul Fripp, CPA, CA	Engagement Partner	604.932-3799 ext: 1985	pfripp@bdo.ca
Bill Cox, FCPA, FCA	Quality Review Partner	604.443.4716	bcox@bdo.ca
Kayan Yu, CPA, CA	Senior Assurance Manager	604.688.5421	kayu@bdo.ca
Zacchaeus Wood, CPA, CA	Assurance Senior	604.688.5421	zwood@bdo.ca

## AUDIT TIMELINE

The following schedule outlines the anticipated timing of the audit of the financial statements of the Village.

As part of the year end Mayor and Council meeting, we will provide the Mayor and Council with a copy of our draft audit opinion, discuss our findings, including significant estimates utilized by management, accounting policies, financial statement disclosures, and significant transactions completed during the year. We will also report any significant internal control deficiencies identified during our audit and reconfirm our independence.



## KEY AUDIT AREAS AND PLANNED RESPONSES

Based on our knowledge of the Village’s business, our past experience, and knowledge gained from management and the Mayor and Council, we have identified the following key audit areas; those risks of material misstatement that, in our judgment, require special audit consideration.

Key audit areas arise mainly because of the complexity of the accounting rules, the extent of estimation and judgment involved in the valuation of these financial statement areas, and the existence of new accounting pronouncements that affect them. We request your input on the following key audit areas and whether there are any other areas of concern that the Mayor and Council has identified.

KEY AUDIT AREAS	RISKS NOTED	AUDIT APPROACH
<b>Management Override of Internal Controls</b>  (Mandatory audit consideration)	The Village’s current internal control systems could be subject to an override of existing controls by management resulting in unauthorized transactions or unauthorized adjustments to the accounting records.	Review of transactions recorded in the various ledgers for unusual or non-recurring adjustments not addressed by other audit procedures.
<b>Revenue Recognition</b>  (Mandatory key audit area)	Accounting standards are complex and open to interpretation. There is a risk that revenue may be incorrectly deferred into future periods.	Grant funding will be confirmed through a review of the agreements, which ensures that the amounts recorded exist, are complete and are recorded accurately.  Grant expenditures will also be reviewed to ensure that they meet the requirements per the grant agreement.  Other revenues streams also contain revenue recognition issues which will be reviewed in accordance with latest revenue recognition standards.
<b>Assets Held for Sale</b>	The Village sold a parcel of land during the year and holds another intended for sale in 2020. This raises a potential risk concerning the appropriate recognition of any gains or losses arising from any sales as well as the presentation and disclosure of these transactions.	We will review the disclosure of property transactions occurring during the year and the calculation of gains on sale.

**Other Potential Key Audit Areas:**

OTHER AUDIT AREAS	RISKS NOTED	AUDIT APPROACH
<b>Staff Salaries</b>	A significant single type of expenditure that covers many employees and departments. As a municipality, this figure is often of particular interest to financial statement users (taxpayers).	We will review the processes over payroll, perform controls testing, and analytical review of staff salary and levels.
<b>Employee Future Benefits</b>	The Village has engaged an actuary to calculate its sick pay liability in the current year. There is a risk that the accrued liability at year end is not appropriately accounted for.	We will communicate directly the Village’s actuary to rely on their calculation of employee future benefits liability. We will assess employee data inputs and assumptions used by the actuary to determine overall reasonableness, as well as review the disclosure in the notes to the financial statements.

## MATERIALITY



Misstatements, including omitted financial statement disclosures, are considered to be material if they, individually or in aggregate, could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

Judgments about materiality are made in light of surrounding circumstances and include an assessment of both quantitative and qualitative factors and can be affected by the size or nature of a misstatement, or a combination of both.

Preliminary materiality was determined to be \$100,000, based on 3% of revenue.

Our materiality calculation is based on the Village's prior year results. In the event that actual results vary significantly from those used to calculate preliminary materiality, we will communicate these changes to the Mayor and Council as part of our year end communication.

We will communicate all corrected and uncorrected misstatements identified during our audit to the Mayor and Council, other than those which we determine to be "clearly trivial". Misstatements are considered to be clearly trivial for purposes of the audit when they are inconsequential both individually and in aggregate.

We encourage management to correct any misstatements identified throughout the audit process.

## USING THE WORK OF OTHERS

### Experts

In order for us to perform adequate audit procedures on certain financial statement areas, we will be relying on the work of, and the report prepared by, George & Bell Consulting. Canadian generally accepted auditing standards require us to communicate with the expert. We propose to discuss the following with George & Bell Consulting:

- ▶ The objective and nature of our audit engagement and how we intend to use the expert's findings and report.
- ▶ Our assessment of the significant and risk aspects of the engagement that will affect the expert's work.
- ▶ The requirement to advise us if they have any relationship with the organization which could impair their judgment or objectivity in the conduct of their engagement.
- ▶ The nature, timing and extent of the expert's work and our planned review of it, possibly including review of their working papers.
- ▶ Confirmation that the assumptions used in their calculations are consistent with those used in the prior periods and with industry standards.
- ▶ Their obligation to advise BDO Canada LLP of any matters up to the estimated audit report date that may affect their calculations and their report.

We ask that the appropriate level of management to review the data provided to George & Bell Consulting and that they also review the assumptions used and results reported by the expert for reasonableness.

## APPENDICES

Appendix A: BDO audit strategy

Appendix B: Communication requirements

Appendix C: Independence letter

Appendix D: Responsibilities

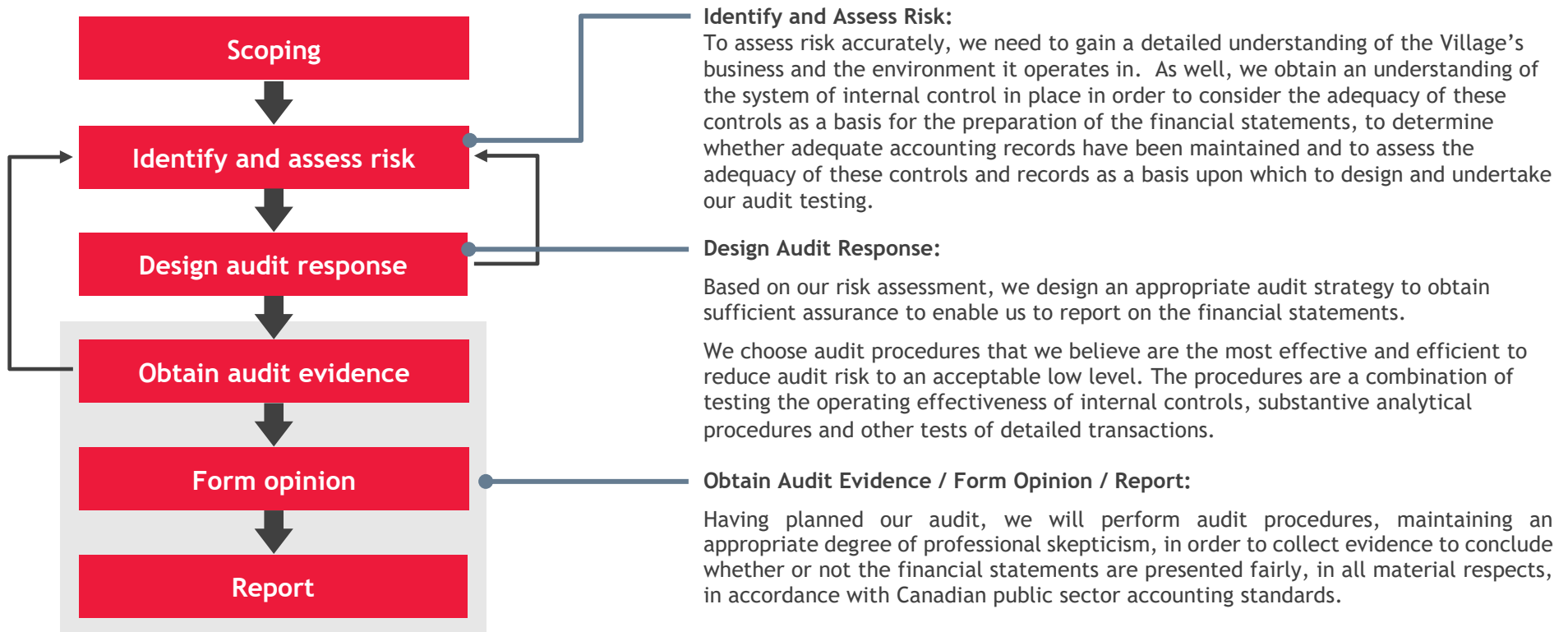
Appendix E: BDO resources

Appendix F: Changes in Accounting Standards with Potential to Affect the Village

## APPENDIX A: BDO AUDIT STRATEGY

Our overall audit strategy involves extensive partner and manager involvement in all aspects of the planning and execution of the audit and is based on our overall understanding of the Village.

We will perform a risk-based audit which allows us to focus our audit effort on higher risk areas and other areas of concern for management and the Mayor and Council.



## APPENDIX B: COMMUNICATION REQUIREMENTS

Required Communication	Audit Planning Presentation	Audit Results Presentation	Communication Completed
1. Our responsibilities under Canadian GAAS	✓		Y
2. Our audit strategy and audit scope	✓		Y
3. Fraud risk factors	✓		Y
4. Going concern matters		✓	N
5. Significant estimates or judgments		✓	N
6. Audit adjustments		✓	N
7. Unadjusted misstatements		✓	N
8. Omitted disclosures		✓	N
9. Disagreements with Management		✓	N
10. Consultations with other accountants or experts		✓	N
11. Major issues discussed with management in regards to auditor retention		✓	N
12. Significant difficulties encountered during the audit		✓	N
13. Significant deficiencies in internal control		✓	N
14. Material written communication between BDO and Management		✓	N
15. Any relationships which may affect our independence	✓		Y
16. Any illegal acts identified during the audit		✓	N
17. Any fraud or possible fraudulent acts identified during the audit		✓	N
18. Significant transactions with related parties not consistent with ordinary business		✓	N
19. Non-compliance with laws or regulations identified during the audit		✓	N
20. Limitations of scope over our audit, if any		✓	N
21. Written representations made by Management		✓	N
22. Any modifications to our opinion, if required		✓	N

## APPENDIX C: INDEPENDENCE LETTER

January 15, 2020

Members of the Mayor and Council  
Village of Lions Bay

Dear Mayor and Council Members:

We have been engaged to audit the financial statements of Village of Lions Bay (the "Village") for the year ended December 31, 2019.

Canadian generally accepted auditing standards (GAAS) require that we communicate at least annually with you regarding all relationships between the Village and our Firm that, in our professional judgment, may reasonably be thought to bear on our independence.

In determining which relationships to report, we have considered the applicable legislation and relevant rules and related interpretations prescribed by the appropriate provincial institute/order, covering such matters as:

- Holding a financial interest, either directly or indirectly in a client;
- Holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client;
- Personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client;
- Economic dependence on a client; and
- Provision of services in addition to the audit engagement.

We have prepared the following comments to facilitate our discussion with you regarding independence matters arising since May 1, 2019, the date of our last letter.

We are not aware of any relationships between the Village and our Firm that, in our professional judgment, may reasonably be thought to bear on independence that have occurred from May 1, 2019 to the date of this letter.

We hereby confirm that we are independent with respect to the Village within the meaning of the Code of Professional Conduct of the Chartered Professional Accountants of British Columbia as of January 15, 2020.

This letter is intended solely for the use of the Mayor and Council and management and should not be used for any other purposes.

Yours truly,



Paul Fripp, CPA, CA  
Partner through a corporation  
BDO Canada LLP  
Chartered Professional Accountants

## APPENDIX D: RESPONSIBILITIES

It is important for the Mayor and Council to understand the responsibilities that rest with the Village and its management, those that rest with the external auditor, and the responsibilities of those charged with governance. BDO's responsibilities are outlined below and within the annual engagement letter dated December 8, 2019.

### AUDITOR'S ENGAGEMENT OBJECTIVES

Our overall objective is to express an opinion as to whether the financial statements present fairly, in all material respects, the financial position, financial performance and cash flows of the Village in accordance with Canadian public sector accounting standards.

Year-End Audit Work	Other Information
<ul style="list-style-type: none"> <li>▶ Work with management towards the timely issuance of financial statements.</li> <li>▶ Provide timely and constructive management letters. This will include deficiencies in internal control identified during our audit.</li> <li>▶ Present significant findings to the Mayor and Council including key audit and accounting issues, any significant deficiencies in internal control and any other significant matters arising from our work.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Read the other information included in the Village's Annual Report to identify material inconsistencies, if any, with the audited financial statements.</li> </ul>
	Year-Round Work
	<ul style="list-style-type: none"> <li>▶ Consult regarding accounting and reporting matters as requested throughout the year.</li> </ul>

## AUDITOR’S RESPONSIBILITIES FOR DETECTING FRAUD

We are responsible for planning and performing the audit to obtain reasonable assurance that the financial statements are free of material misstatements, whether caused by error or fraud, by:

- ▶ Identifying and assessing the risks of material misstatement due to fraud;
- ▶ Obtaining sufficient and appropriate audit evidence regarding the assessed risks of material misstatement due to fraud, through designing and implementing appropriate responses; and
- ▶ Responding appropriately to fraud or suspected fraud identified during the audit.

The likelihood of not detecting a material misstatement resulting from fraud is higher than the likelihood of not detecting a material misstatement resulting from error because fraud may involve collusion as well as sophisticated and carefully organized schemes designed to conceal it.

### Fraud Risk Assessment Procedures

- ▶ Management’s assessment of the risk that the financial statements may be materially misstated due to fraud, including the nature, extent and frequency of such assessments;
- ▶ Management’s process for identifying and responding to the risks of fraud in the Village, including any specific risks of fraud that management has identified or that have been brought to its attention, or classes of transactions, account balances, or disclosures for which a risk of fraud is likely to exist;
- ▶ Management’s communication, if any, to those charged with governance regarding its processes for identifying and responding to the risks of fraud in the Village; and
- ▶ Management’s communication, if any, to employees regarding its view on business practices and ethical behaviour.



### Response to Assessed Fraud Risks

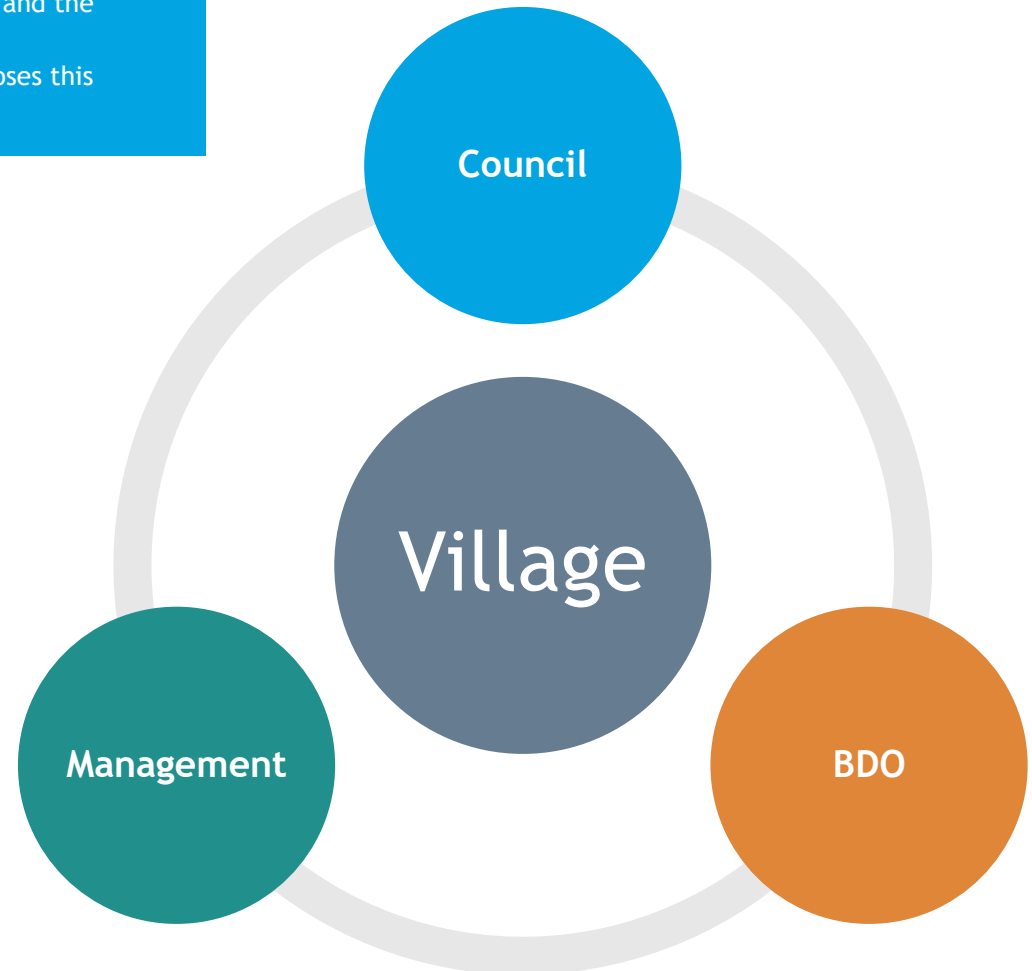
- ▶ Inquire of management, the Mayor and Council, and others related to any knowledge of fraud, suspected fraud or alleged fraud;
- ▶ Perform disaggregated analytical procedures and consider unusual or unexpected relationships identified in the planning of our audit;
- ▶ Incorporate an element of unpredictability in the selection of the nature, timing and extent of our audit procedures; and
- ▶ Perform additional required procedures to address the risk of management’s override of controls including:
  - Testing internal controls designed to prevent and detect fraud;
  - Testing the appropriateness of a sample of adjusting journal entries and other adjustments for evidence of the possibility of material misstatement due to fraud;
  - Reviewing accounting estimates for biases that could result in material misstatements due to fraud, including a retrospective review of significant prior years’ estimates; and
  - Evaluating the business rationale for significant unusual transactions.

## RESPONSIBILITIES OF COUNCIL

- ▶ Oversee the work of the external auditor engaged for the purpose of issuing an independent auditor’s report.
- ▶ Facilitate the resolution of disagreements between management and the external auditor regarding financial reporting matters.
- ▶ Review the financial statements before the Village publicly discloses this information.

## MANAGEMENT RESPONSIBILITIES

- ▶ Maintain adequate accounting records and maintain an appropriate system of internal control for the Village.
- ▶ Select and consistently apply appropriate accounting policies.
- ▶ Prepare the annual financial statements in accordance with Canadian public sector accounting standards.
- ▶ Safeguard the Village’s assets and take reasonable steps for the prevention and detection of fraud and other irregularities.
- ▶ Make available to us, as and when required, all of the Village’s accounting records and related financial information.



## APPENDIX E: BDO RESOURCES

BDO is a leading provider of professional services to clients of all sizes in virtually all business sectors. Our team delivers a comprehensive range of assurance, accounting, tax, and advisory services, complemented by a deep industry knowledge gained from nearly 100 years of working within local communities. As part of the global BDO network, we are able to provide seamless and consistent cross-border services to clients with global needs. Commitment to knowledge and best practice sharing ensures that expertise is easily shared across our global network and common methodologies and information technology ensures efficient and effective service delivery to our clients.

Outlined below is a summary of certain BDO resources which may be of interest to the Mayor and Council.

### ASSET RETIREMENT OBLIGATIONS (ARO): A PRACTICAL APPROACH TO SECTION PS 3280

Section PS 3280, Asset Retirement Obligations, is effective for fiscal years beginning on or after April 1, 2021 which means December 31, 2022 will be the District's first year impacted by this standard. The standard provides guidance on how to account for and report a liability for asset retirement obligations (AROs). It is anticipated that, for many public sector entities, adopting this standard will require a significant amount of cross-departmental cooperation and work. The below linked publication walks through a practical approach to applying Section PS 3280 including: How to determine whether an item is within the scope of this standard; the criteria that needs to be met to recognize an ARO; how to measure such an obligation; the impact of this standard on landfill liabilities; and the different options available to entities on transition.

For more information, please visit the following link: [https://www.bdo.ca/BDO/media/AA-Publications/PSAS\\_AROs\\_02Jul19\\_FINAL\\_1.pdf](https://www.bdo.ca/BDO/media/AA-Publications/PSAS_AROs_02Jul19_FINAL_1.pdf)

### TAX BULLETINS, ALERTS AND NEWSLETTERS

BDO Canada's national tax department issues a number of bulletins, alerts and newsletters relating to corporate federal, personal, commodity, transfer pricing and international tax matters.

For additional information on tax matters and links to archived tax publications, please refer to the following link: [Tax Library | BDO Canada](#)

Government Entities operating in Canada are impacted by commodity taxes in some way or another. These include GST/HST, QST, PST, various employer taxes, and unless managed properly, can have a significant impact on your organization's bottom line. The rules for Government Entities can be especially confusing, and as a result many organizations end up paying more for indirect tax than they need to.

Government Entities must keep on top of changes to ensure they are taking advantage of the maximum refund opportunities. At BDO, we have helped a number of organizations of all sizes with refund opportunities, which can reduce costs for the organization and improve overall financial health.

For more information, please visit the following link: <https://www.bdo.ca/en-ca/services/tax/commodity-tax-services/overview/>

## IT SECURITY

The Equifax data breach first came to light almost two years ago. Yet the questions it triggered remain as current as ever. The Equifax breach poses the ultimate challenge: how can I protect my customers' data?

The mistakes made by Equifax seem obvious in retrospect, but for many companies the breach is a worrying reminder that an ineffective cybersecurity program can be costly and cause irreversible reputational damage. This especially applies to NPOs and government organizations that record and store confidential employee and stakeholder information.

For more information, please visit the following link: <https://www.bdo.ca/en-ca/insights/industries/financial-services/how-to-prevent-an-equifax-type-data-breach-in-your-company/>

## SMART CITY ARCHITECTURE: A BLUEPRINT FOR BUILDING URBAN INFRASTRUCTURE

Transforming a city into a smart city can bring long-term benefits and opportunities for sustainability and innovation for both citizens and businesses. However when undertaking an integration initiative of this magnitude many issues can surface. A well-established plan coupled with active stakeholder engagement can clear the path to realizing this new urban infrastructure vision.

For more information, please visit the following link: <https://www.bdo.ca/en-ca/insights/industries/public-sector/smart-cities-blueprint-urban-infrastructure/>

## APPENDIX F: CHANGES IN ACCOUNTING STANDARDS WITH POTENTIAL TO AFFECT THE VILLAGE

*The following summarizes the status of new standards and the changes to existing standards as of the fall of 2019. This Appendix also reviews Exposure Drafts, Statements of Principles, Projects and Post Implementation Reviews that provide information on the future direction of the CPA Public Sector Accounting Handbook.*

### NEW STANDARDS

#### **Section PS 3430, Restructuring Transactions (effective years beginning on or after April 1, 2018)**

This Section addresses a problem area for public sector accounting. In the past there was no Canadian standard that addressed acquisition of services and service areas, therefore, accountants looked to the US and international standards for guidance.

This new Section defines a restructuring transaction and establishes standards for recognizing and measuring assets and liabilities transferred in a restructuring transaction. A restructuring transaction is defined as a transfer of an integrated set of assets and/or liabilities, together with related program or operating responsibilities, that does not involve an exchange of consideration based primarily on the fair value of the individual assets and liabilities transferred.

- The net effect of the restructuring transaction should be recognized as a revenue or expense by the entities involved.
- A recipient should recognize individual assets and liabilities received in a restructuring transaction at their carrying amount with applicable adjustments at the restructuring date.
- The financial position and results of operations prior to the restructuring date are not restated.
- A transferor and a recipient should disclose sufficient information to enable users to assess the nature and financial effects of a restructuring transaction on their financial position and operations.

This Section applies to restructuring transactions occurring in fiscal years beginning on or after April 1, 2018. For entities with a December year, end this means that 2019 is the first year that the standard must be followed. Earlier adoption is permitted.

## **NEW STANDARDS NOT YET IN EFFECT**

### **Section PS 3400 Revenue (effective years beginning on or after April 1, 2022)**

This section is related to revenue recognition principles that apply to revenues of governments and government organizations other than government transfers and tax revenue.

The Public Sector Accounting Handbook has two Sections that address two major sources of government revenues, government transfers and tax revenue. Revenues are defined in Section PS 1000, Financial Statement Concepts. Recognition and disclosure of revenues are described in general terms in Section PS 1201, Financial Statement Presentation.

This section addresses recognition, measurement and presentation of revenues that are common in the public sector. It is less complex than the comparable new IFRS standard, although generally consistent in philosophy.

This new Section will be effective for fiscal years beginning on or after April 1, 2022 which means that for entities with a December year end it is first effective for 2023. Earlier adoption is permitted.

### **Financial Instruments Suite of Standards (effective for years beginning on or after April 1, 2021):**

#### **Section PS 1201 Financial Statement Presentation**

This Section revises and replaces Section PS 1200, Financial Statement Presentation. The following changes have been made to the Section:

- Remeasurement gains and losses are reported in a new statement.
- Other comprehensive income that can arise when a government includes results of government business enterprises and government business partnerships in its summary financial statements is reported in the statement of remeasurement gains and losses.
- The accumulated surplus or deficit is presented as the total of the accumulated operating surplus or deficit and the accumulated remeasurement gains and losses.

## **Section PS 2601, Foreign Currency Translation**

This Section revises and replaces PS 2600, Foreign Currency Translation. The following changes have been made to the Section:

- The definition of currency risk is amended to conform to the definition in PS 3450, Financial Instruments;
- The exception to the measurement of items on initial recognition that applies when synthetic instrument accounting is used is removed;
- At each financial statement date subsequent to initial recognition, non-monetary items denominated in a foreign currency that are included in the fair value category in accordance with Section PS 3450 are adjusted to reflect the exchange rate at that date;
- The deferral and amortization of foreign exchange gains and losses relating to long-term foreign currency denominated monetary items is discontinued;
- Until the period of settlement, exchange gains and losses are recognized in the statement of re-measurement gains and losses rather than the statement of operations; and
- Hedge accounting and the presentation of items as synthetic instruments are removed.

## **Section PS 3041, Portfolio Investments**

This Section revises and replaces Section PS 3040, Portfolio Investments. The following changes have been made:

- The scope is expanded to include interests in pooled investment funds;
- Definitions are conformed to those in PS 3450, Financial Instruments;
- The requirement to apply the cost method is removed, as the recognition and measurement requirements within Section PS 3450 apply, other than to the initial recognition of an investment with significant concessionary terms; and
- Other terms and requirements are conformed to Section PS 3450, including use of the effective interest method.

## **Section PS 3450, Financial Instruments**

This new Section establishes standards for recognizing and measuring financial assets, financial liabilities and non-financial derivatives.

The main features of the new Section are:

- Items within the scope of the Section are assigned to one of two measurement categories: fair value, or cost or amortized cost.
- Almost all derivatives, including embedded derivatives that are not closely related to the host contract, are measured at fair value.
- Fair value measurement also applies to portfolio investments in equity instruments that are quoted in an active market.
- Other financial assets and financial liabilities are generally measured at cost or amortized cost.
- Until an item is derecognized, gains and losses arising due to fair value re-measurement are reported in the statement of re-measurement gains and losses.
- Budget-to-actual comparisons are not required within the statement of re-measurement gains and losses.
- When the reporting entity defines and implements a risk management or investment strategy to manage and evaluate the performance of a group of financial assets, financial liabilities or both on a fair value basis, the entity may elect to include these items in the fair value category.
- New requirements clarify when financial liabilities are derecognized.
- The offsetting of a financial liability and a financial asset is prohibited in absence of a legally enforceable right to set off the recognized amounts and an intention to settle on a net basis, or to realize the asset and settle the liability simultaneously.
- New disclosure requirements of items reported on and the nature and extent of risks arising from financial instruments.

### **Section PS 3280, Asset Retirement Obligations (effective years beginning on or after April 1, 2021)**

This new Section establishes standards on how to account for and report a liability for asset retirement obligations. The main features of the new Section are:

- An asset retirement obligation is a legal obligation associated with the retirement of a tangible capital asset.
- Asset retirement costs associated with a tangible capital asset controlled by the entity increase the carrying amount of the related tangible capital asset (or a component thereof) and are expensed in a rational and systematic manner.

- Asset retirement costs associated with an asset no longer in productive use are expensed.
- Measurement of a liability for an asset retirement obligation should result in the best estimate of the amount required to retire a tangible capital asset (or a component thereof) at the financial statement date.
- Subsequent measurement of the liability can result in either a change in the carrying amount of the related tangible capital asset (or a component thereof), or an expense, depending on the nature of the re-measurement and whether the asset remains in productive use.
- A present value technique is often the best method with which to estimate the liability.
- As a consequence of the issuance of Section PS 3280:
  - editorial changes have been made to other standards; and
  - Section PS 3270, Solid Waste Landfill Closure and Post-Closure Liability has been withdrawn.

This Section applies to fiscal years beginning on or after April 1, 2021 (2022 fiscal year for organizations with December year ends). Earlier adoption is permitted.

Section PS 3270 will remain in effect until the adoption of Section PS 3280 for fiscal periods beginning on or after April 1, 2021, unless a public sector entity elects earlier adoption.

This is one of the most significant new standards in years and will require considerable staff time in most entities to prepare for compliance. BDO has tools and resources to assist in this regard including our ARO Implementation Checklist.

## **STATUS OF CURRENT PROJECTS**

### **2018 - 2019 Annual Improvements**

The concept of "annual improvements" is new for PSAB and is hoped to be a welcome addition. "Annual improvements" are not new standards or major changes but are instead small wording changes or clarifications or corrections of unintended consequences, oversights or conflicts. The 2018 - 2019 improvements are the first.

The improvements noted include:

- remove due process procedures from the PSA Handbook (because these are not directly related to standards)
- amend some inconsistencies arising from the introduction of the "government-component" category of government organization
- amend wording in PS 3060 Government Partnerships to generally use term "public-sector" instead of "government"
- other amendments including specifically stating in PS 1300 that PSA Standards are to apply to Indigenous Governments

The final standard is expected before the end of 2019 and will be effective for years beginning on or after April 1, 2020 with earlier application permitted.

## **2019 - 2020 Annual Improvements**

Now that the Annual Improvements have just finished off the first (2018 - 2019) cycle, PSAB is now accepting submission of issues to be considered for 2019 - 2020.

An Exposure Draft representing those changes is expected in Q4 2019 and will be effective for years beginning on or after April 1, 2021 with earlier application permitted.

## **Financial Instruments Narrow Scope Amendments**

As the name implies, these amendments are quite narrow in scope and will not impact many entities.

The amendments are intended to:

- clarify how to deal with financial instruments intended to maintain orderly conditions for the circulation of the Canadian dollar (will impact Federal Government only)
- change treatment of bond repurchases such that will not always be an immediate extinguishment of debt
- clarifies and simplifies certain transitional provisions

An Exposure Draft was issued in January 2019 and a Final Standard is expected before the end of 2019.

## EXPOSURE DRAFTS PENDING

### Public Private Partnerships

This project has been underway since 2014 and is nearing completion. A final Exposure Draft is expected in Q4 2019.

The issuance of a Statement of Principles in 2017 suggests items that can be expected in the final standard:

- an asset would be recorded when the public sector entity controls:
  - the purpose and use of the infrastructure;
  - access to the infrastructure and the price, if any, the private sector entity can charge for using it; and
  - any significant interest accumulated in the infrastructure when the public private partnership's term ends.
- asset to be recorded at cost/fair value -- usually based on present value of future payments related to construction/acquisition of asset
- regard liability at same amount as asset
- liability a financial liability when cash/asset consideration, but if non-financial consideration may be:
  - a non-financial liability such as unearned revenue
  - or if no performance obligations may be immediate recognition of proceeds from grants of rights for use
- where a liability is recorded, it should be reduced as performance obligations are settled
- fairly detailed disclosure requirements

### Concepts Underlying Financial Performance

This project includes both the "Conceptual Framework" and "Reporting Model" related to it. It is also nearing completion with an Exposure Draft expected in 2020.

The existing Conceptual Framework found in Sections PS 1000, Financial Statement Concepts and PS 1100, Financial Statement Objectives will be replaced by 10 new chapters. Because the Conceptual Framework is used to develop generally accepted accounting principles (GAAP) but is not considered GAAP

itself, there is not expected to be immediate impact from the introduction of the Conceptual Framework. It will, however, influence future Standards development so it is important that the concepts and principles be understood and considered.

Further a new Reporting Model will come along to amend and/or replace PS 1201, Financial Statement Presentation. It is expected that the new Reporting Model will allow better flexibility for application of PSAS to financial statements of government organizations and general improvements to aid understanding of financial statements.

## CONSULTATION PAPERS AND INVITATIONS TO COMMENT

### Review of International Strategy

Two Consultation Papers have been issued on this topic - the first in May 2018 and the most recent in May 2019.

Four options have been considered:

- Option I: Status Quo. Status quo is defined as continuing with the existing Canadian-made standard-setting process. Under this option, PSAB would continue to establish PSAS independently from other standard setters. The Board may refer to other standard setters for insight on how particular issues were handled but there would be no formal requirement to incorporate this into the due process. The Board's conceptual framework and financial reporting model would apply. Under this option, it will continue to actively look for ways to develop standards more quickly to address time-to-market concerns.
- Option II: Adapt IPSAS principles when developing future standards. PSAB would continue to develop PSAS, but future standards would be based on principles in existing individual IPSAS as each is considered by PSAB. The Board would establish a "Criteria for Modifying Principles" document to provide guidance on when departures from IPSAS principles in a standard under consideration are permitted. The Board's conceptual framework and financial reporting model would continue as the foundation for Canadian public sector generally accepted accounting principle (GAAP). So, a departure from principles in an individual IPSAS would be required if they conflict with the Board's framework or model. Changes to GAAP under this option would occur prospectively, and the Board's due process would be modified to incorporate the Criteria for Modifying Principles. Given that future PSAS would be based on principles in existing individual IPSAS, there would be an increased focus toward influencing the principles under development for new IPSAS.
- Option III: Adopt IPSAS except when a departure is permitted. PSAB would adopt IPSAS as issued by the International Public Sector Accounting Standards Board (IPSASB), other than where a departure is permitted. The Board would establish a "Criteria for Modifying Standards" document to provide guidance on when departures from IPSAS are permitted. The Board would endorse all new IPSAS before they become part of the CPA Canada Public Sector Accounting (PSA) Handbook and could still develop standards when a Canadian issue is identified. Changes under this option would occur retrospectively. PSAB's due process would be modified to incorporate the Criteria for Modifying Standards. IPSASB's conceptual framework and financial reporting model would be adopted under this option. Option III is the option closest to the Accounting Standard Board's (AcSB) current approach to adopting IFRS Standards for publicly accountable enterprises.
- Option IV: Adopt IPSAS. Under this option, there would be no endorsement process as PSAB would not have the ability to modify IPSAS before they become part of the PSA Handbook. The Board would not have the ability to develop standards independent of the IPSASB. PSAB's due process would be modified to incorporate the standards-adoption process as issued by the IPSASB with no modifications. The IPSASB conceptual framework

and financial reporting model would be adopted. Changes under this option would occur retrospectively. This option is most typical in countries where there is no national standard setter or there is a transition from cash to accrual-based standards.

PSAB has also said that it does not consider Option IV to be a viable option at this time.

A decision as to which path to follow is expected in March 2020.

## Government Not-for-Profit Strategy

When government not-for-profits were brought into the PSA Handbook they were given the option of applying PSAS standards or PSAS standards in conjunction with the "4200 Series" of standards that mirror Part III of the CPA Handbook. It was always recognized that the 4200 Series was likely a stop-gap measure with additional NPO-specific standards being brought into the "regular" PSA Handbook. The need to review the GNFP strategy became more urgent with several provinces mandating that their organizations not use the 4200 series.

This is a difficult area because of the fact that many GNFPs operate quite differently than governments do and therefore do not fit well into a government financial reporting model. Moreover, not-for-profit organizations that are not government controlled follow different standards than GNFPs do (particularly those GNFPs that do not use 4200 series) which makes comparisons between some entities difficult. (For example, the University of British Columbia (reports using PSAS without 4200 series) is not directly comparable to the University of Toronto (reports using Part III)).

A Consultation Paper was issued in May 2019 with comments received until September 30, 2019.

PSAB will review the comments received from the Consultation Paper and plans further outreach with various types of GNFPs across the Canada during the remainder of 2019 and 2020. Where PSAB will land is truly up in the air at this point.

## Employee Benefits

The existing Employee Benefits standards in PS 3250, Retirement Benefits and PS 3255, Post-employment Benefits are some of the older standards currently existing in the PSA Handbook. Quite frankly, they have not kept pace with the changes that have occurred in the industry. New concepts such as "Target-Benefit Plans" and "Shared-Risk Plans" do not fit in neatly to existing standards.

In recognition of the wide scope of review required to modernize these standards, PSAB has broken initial review into three different sections:

- Deferral Provisions (Invitation to Comment issued in November 2016)
- Discount Rate Guidance (Invitation to Comment issued in November 2017)
- Non-Traditional Pension Plans (Invitation to Comment issued in October 2018)

The PSAB "Task Force" working on this project includes both accountants and actuaries experienced in the industry. The Task Force and the PSAB Board will be reviewing responses and developing ideas with a planned Consultation Paper to be issued in March 2020.

Although timelines could certainly change, currently it is expected that an Exposure Draft would be issued in 2021 and the final standard issued in 2022.

We can expect that there will be many changes to existing standards, and it will be important for those that work in this area to keep up with the progress of the new standard. One change though that currently looks possible will impact many of our clients. Initial indications are that the current practice of adopting defined contribution accounting for multi-employer plans may not be supported under the new standard. Should this occur, this could bring significant actuarial liabilities onto the financial statements of many government entities where none exist currently. This may create complications in this era of Balanced Budget and No Deficit legislation.

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Minutes of the Tree Committee meeting

January 23<sup>rd</sup>, 2020

On-site @ 233 Bayview Road - #99

In attendance; Chair, Simon Waterson, Mike Jury and Jay Barber

1. The meeting was called to order at 09:30 am.
2. Simon Waterson was appointed Recorder for the meeting.
3. The Agenda was approved unanimously.
4. Public Participation – Romana Eaton and Adrian Aldous.
5. The minutes from the previous meeting on January 9<sup>th</sup>, 2020 were approved unanimously.
6. Discussion regarding the Council decision for application #98
  - a) The Tree Committee discussed why Council had made a decision which was not in line with the Tree Committee recommendation.
  - b) It was agreed that the Tree Committee would discuss this further.
7. Old Business; None.
8. New Business.

Tree Application #99 – 233 Bayview Road – moved by Simon Waterson; Seconded by Jay Barber, that:

  - a) *As requested, the applicant is permitted to trim the past 12 months growth of the trees mentioned in the application. The Tree Committee viewed this as maintenance and not topping. It should be noted, that the trees have been topped for many years and this maintenance will help stop leaders from growing.*
  - b) *The maples and the cherry trees should be removed completely.*
  - c) *The applicant must clean up and remove all associated debris.*
9. Adjournment; - The meeting adjourned at 09:53 am.

Simon Waterson

Recorder



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

**RECEIVED**  
OCT 22 2019

Schedule "A"

**Tree Cutting Application Form**

All fields must be completed

Applicant's Full Name: <b>ROMANA EATON</b>	
Address: <b>233 BAYVIEW ROAD</b>	
Phone: [REDACTED]	Email: [REDACTED]
Arborist/Contractor Name: <b>STEVE'S TREES</b>	
Phone:	Email:

<b>Office Use Only</b>	<b>Tree Application Number:</b> <b>99</b>
Received by: <b>SD.</b>	Date: <b>OCT. 22/19</b>
Amount Paid: <b>\$75</b>	Cash or Cheque: <b>Chq #070</b> <b>PAID</b>
Application Complete? (Y/N) <b>NO</b>	If no, reason: <b>waiting for neighbours responses + revised diagram &amp; ext. - REC NN12</b> <b>OCT 22 2019</b>
Date referred to Public Works: <b>DEC 17 ASPW C170</b>	Date returned by Public Works: <b>(See attached comments) Dec 19</b>
Date Application to Tree Ctte: <b>JAN 15/20</b>	Meeting Date:
Agenda forwarded to Tree Ctte:	Minutes received from Tree Ctte:
Council Agenda Date:	Council Decision:
Parties Notified:	
Date of Letter Notifying Applicant of Decision:	Received Damage Deposit: Name of Arborist/Contractor:
(March 1-July 31: Arborist Certification Required)	Proof of WorkSafe Certificate: Proof of Insurance (\$5 mil/VoLB Add'l Insured):
Permit Issued:	Post-work check by Public Works:
Damage Deposit Returned:	If not, reason:

To CAO ←  
Rec 31/19  
Jan 14/20

**DEC 16**  
**FU 2 res.**  
**DEC 28, all received.**



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Species/Description of Tree(s):  
 Variety of evergreens

Location of Tree(s):  
 SOUTH SIDE OF BAYVIEW RD OPPOSITE  
 233 BAYVIEW RD & ABOVE STEWART RD.

*\*Trees must be clearly marked with marking tape in time for the Trees, Views and Landscapes Committee's site visit.*

- |  |  |
|--|--|
| <p>Reason for Removal:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Too close to property (foundation, garage, fence, etc.)</li> <li><input type="checkbox"/> Dead, dying or diseased</li> <li><input type="checkbox"/> Unattractive</li> <li><input type="checkbox"/> Blocking sunlight</li> <li><input type="checkbox"/> Attracting wildlife</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Interfering with infrastructure (roads, sidewalks, etc.)</li> <li><input type="checkbox"/> Leaves causing problems</li> <li><input type="checkbox"/> Blocking site access</li> <li><input type="checkbox"/> Affecting house value</li> <li><input type="checkbox"/> Hazardous</li> <li><input type="checkbox"/> Interfering with view</li> </ul> |
|--|--|

Please provide additional comments which may be useful:  
 THE TREES IN THE AREA HAVE BEEN TRIMMED TO A DETERMINED LEVEL OVER MANY YEARS. WE WOULD LIKE TO TRIM THE GROWTH ABOVE THIS LEVEL AND BRING THE TREE HEIGHTS TO THE PREVIOUSLY CUT LEVEL

~~Replanting Plan, if any~~ (please include anticipated timeframe for completion):  
 WE WILL ALSO CLEAN OFF OVERTHANGING GROWTH WHICH PROTRUDES INTO THE ROADWAY.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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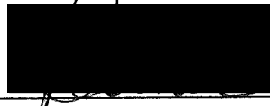
I have attached a colour photograph or colour photocopy of the subject tree(s) with descriptive notes or markings if applicable.

I have verified the information contained within this application is correct. No cutting of Significant Trees, as defined by Schedule "C" to Village of Lions Bay Tree Bylaw No. 393, 2007, as amended, is contemplated by this application or, if it is, this fact is clearly and explicitly set out in the application along with supporting rationale.

I acknowledge that responsibility for bylaw compliance rests with me as the applicant. I will indemnify and save harmless the Village of Lions Bay, its officials, employees and agents against claims, liabilities and expenses of every kind, in respect of anything done or not done pursuant to this application or ensuing permit, if issued, including negligence and/or failure to observe all bylaws, conditions, acts or regulations.

I understand that, should this application be approved, all work performed must comply with any and all conditions of approval incorporated in the Council resolution, and that failure to comply with such conditions may result in fines, penalties and/or legal action.

ROMANA EATON



FEB 30 2019

Name of Applicant (Please Print)

Signature

Date Signed

**SCHEDULE "B"**

**Permit for Tree Cutting**

TREE CUTTING PERMIT NO. \_\_\_\_\_

This Permit is hereby issued to:

\_\_\_\_\_  
(name of applicant - the Permittee)

for tree cutting on municipal property near:

\_\_\_\_\_  
(insert legal description)

\_\_\_\_\_  
(insert municipal address)

in accordance with the resolution passed by Council on \_\_\_\_\_

under Agenda Item Number \_\_\_\_\_.

All work must be undertaken strictly in accordance with Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended and all plans and specifications attached hereto as part of this Permit and as approved by Council.

Prior to the issuance of a tree cutting permit, an applicant shall provide a damage deposit of \$500 and the applicant, or his/her designated arborist or contractor, is required to be in good standing with WorkSafe BC and obtain and maintain at all times during the validity of the tree cutting permit, public liability insurance in the amount of \$5,000,000 in connection with the obligations under this bylaw, which insurance policies shall include deductibles and terms satisfactory to the Village, shall name the Village as an "Additional Named Insured", and shall provide that the insurer shall notify the Village in writing at least 30 days prior to cancellation of the policy. The applicant shall deliver a certified copy of the policy to the Village upon demand and evidence of coverage shall be provided in the form of an insurance certificate prior to the commencement of any work.

Where tree cutting work will result in vehicles or machinery blocking a roadway, in whole or in part, or may result in any portion of the tree falling on the roadway, the company or persons performing the work must provide cautionary roadway signage on both sides of the location and a minimum of one flag person to control traffic, and must contact the Village Office prior to undertaking the work.

**INDEMNIFICATION**

Without limiting any other obligation of the Permittee under this Permit or otherwise, the Permittee hereby agrees to Indemnify and Save Harmless the Village of Lions Bay (the "Village"), its elected officials, officers, employees, servants, agents and others for whom the Village is in law responsible,

from and against any liability, loss, claims, demands, damages, fines and penalties, costs and expenses (including consulting fees), investigatory and legal expenses, and any other actions or causes of actions, suits, caused by or attributed to any willful or negligent act, omission, delay, or allegations thereof on the part of the Permittee, its officers, employees, subcontractors, agents, licensees, assignees, invitees or other persons engaged in the performance, non-performance or attempted performance of the work pursuant to this Permit or anyone else for whom the Contractor is in law responsible.

THIS PERMIT EXPIRES ON:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
CAO/Village Manager

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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HOUSEHOLDS INFORMED.

242 BAYVIEW RD

251 STEWART

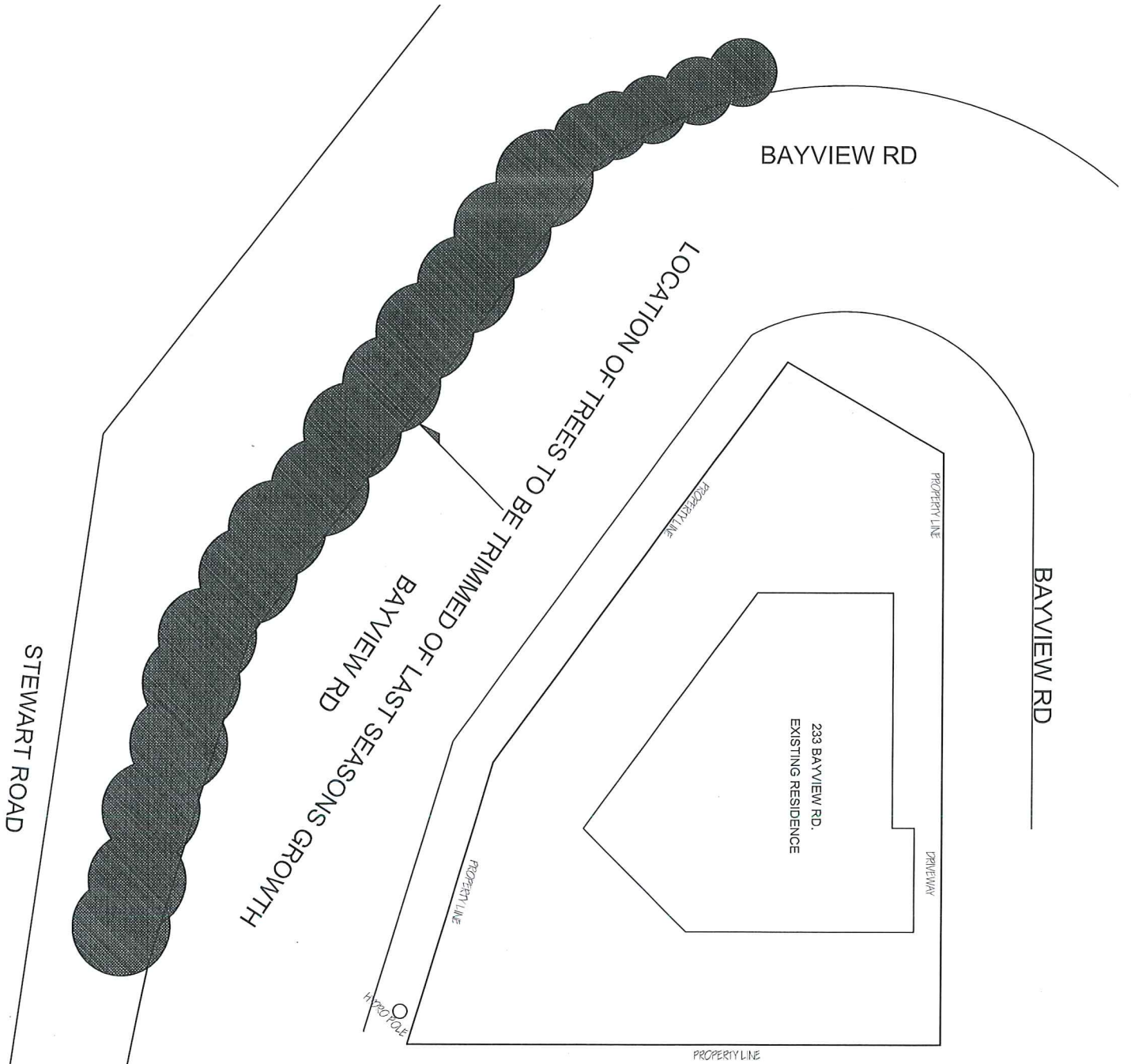
258 STEWART

259 STEWART

260 STEWART (VACANT)

261 STEWART

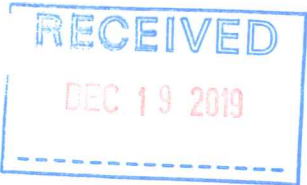
262 STEWART



**RECEIVED**  
NOV 12 2019







**Public Works Tree Cutting Referral Comments**

Tree Cutting Application Number: 99
Name of Applicant: ROMANA EATON
Address of Applicant: 233 BAYVIEW ROAD
Location of Tree(s): SOUTH WEST OF 233
Clearly on Municipal Land: (Y/N) YES (If no, survey required at applicant's cost)
Location in Relation to Municipal Infrastructure (Present & Future): NA
Location in Relation to Others' Infrastructure (Telus / Hydro Lines, etc.): NA
Slope Stability Considerations: YES
Replanting Required (Y/N and recommendations, if any):
Other Considerations / Comments: SELECTIVE THINNING OF MATURE TREES LEAVING SMALLER TREES TO REPLACE THEM, TOPPING THE OTHERS. TREE TOPPING IS NOT A GOOD PRACTICE.  GARTH B.
Attachments (Y/N and Description):

### CAO Comments

Note: neighbor comments regarding rockfall are incorrect. The rock that fell was dislodged from 220 Bayview Rd and the rock fell near the end of Stewart Road, beyond the area under consideration here. The cause of the fall had to do with a pond and gardening area created by the owners, near the top of the slope, rather than with any tree removals.

The recommendations of Public Works recognizes the need for trees to stabilize the subject slope, but to do so by selectively removing some of the larger trees and allowing for the smaller ones to fill in the spaces and result in less of a need to top going forward. Topping is condoned for the remainder in the circumstances.

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## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

<b>Type</b>	Request for Decision		
<b>Title</b>	Secondary Suite Surcharge Bylaw No. 513, 2017, Amendment Bylaw No. 571, 2020		
<b>Author</b>	Peter DeJong	<b>Reviewed By:</b>	
<b>Date</b>	January 23, 2020	<b>Version</b>	1
<b>Issued for</b>	January 28, 2020 Council Meeting		

### Recommendation:

(1) THAT Secondary Suite Surcharge Bylaw No. 513, 2017, Amendment Bylaw No. 571, 2020 be introduced and read a first, second and third time.

### Attachments:

- (1) Draft Secondary Suite Surcharge Bylaw No. 513, 2017, Amendment Bylaw No. 571, 2020;
- (2) Draft Consolidation of Secondary Suite Surcharge Bylaw No. 513, 2017 with tracked changes proposed.

### Key Information:

Staff have been working toward resolution of outstanding secondary suite issues and part of the workplan includes invoicing known secondary suite owners directly, including those who may or may not have completed work necessary to meet the Municipality's minimum safety requirements. The proposed amendments clarify various obligations of the secondary suite owners and enable staff to begin the process of setting up these accounts in our finance software for direct billing and thereby provide clearer utilities billing for all taxpayers.

### Options:

- (1) Give the bylaw 3 readings without amendment;
- (2) Amend the bylaw and then give it 3 readings;
- (3) Give the bylaw 2 readings; or



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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(4) Refer the bylaw back to staff with alternative directions.

**Preferred Option:** Option 1 will enable Council to consider adopting the amending bylaw at the February 4, 2020 Council meeting, which will enable staff to proceed with next steps.

**Follow Up Action:** Per Council direction.

**Communication Plan:** Update the secondary suite education campaign in conjunction with the upcoming utility billing at the end of February.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



**Secondary Suite Surcharge Bylaw No. 513, 2017,  
Amendment Bylaw No. 571, 2020**

**Adopted:**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0

Phone: 604-921-9333 Fax: 604-921-6643

Email: [office@lionsbay.ca](mailto:office@lionsbay.ca) Web: [www.lionsbay.ca](http://www.lionsbay.ca)

## **Bylaw No. 571, 2020**

### **Secondary Suite Surcharge Bylaw Amendments**

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

#### **Citation**

1. This bylaw may be cited for all purposes as “Secondary Suite Surcharge Bylaw No. 513, 2017, Amendment Bylaw No. 571, 2020.”
2. Secondary Suite Surcharge Bylaw No. 513, 2017, as amended, is hereby further amended as follows:

(a) The defined term for *municipality* be capitalized and all defined terms throughout the text of the bylaw be italicized;

(b) Section 5 is hereby deleted and the following substituted in its place:

“If a property contains a *secondary suite*, regardless of whether or not it has been approved by the *Municipality*, the property owner must pay a *secondary suite* surcharge, unless the property owner certifies that:

(a) the *secondary suite* is not *occupied*, or

(b) the *secondary suite* is accommodating the property owner’s *immediate family members*.”

(c) Section 6 is hereby deleted and the following substituted in its place:

“The *secondary suite* surcharge for an applicable property shall be based on the *Municipality’s* annual charges for utilities, before prompt payment discount. The rate of the *secondary suite* surcharge shall be 40% of the property’s utility billing for garbage and recycling collection, water and, where applicable, sewer. The *secondary suite* surcharge may be billed with the annual charges for utilities or invoiced separately.”

(d) Section 7 is hereby deleted and the following substituted in its place:

“Either prior to or when remitting annual *Municipality* utility charges, all property owners must certify:

(a) whether the property contains a *secondary suite*, whether or not it has been approved by the *Municipality*;

- (b) if so, whether the *secondary suite is occupied*; and
- (c) if so, whether the *secondary suite is accommodating the homeowner's immediate family members*;

and all known *secondary suites* and their status will be recorded on the *Municipality's secondary suite register*."

READ A FIRST TIME

January 28, 2020

READ A SECOND TIME

January 28, 2020

READ A THIRD TIME

January 28, 2020

ADOPTED

February 4, 2020

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Mayor

---

Corporate Officer

Certified a true copy of Secondary  
Suite Surcharge Bylaw No. 513, 2017  
Amendment Bylaw No. 571, 2020

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Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



## Secondary Suite Surcharge Bylaw No. 513, 2017

### Office Consolidation

This document is an office consolidation of Secondary Suite Surcharge Bylaw No. 513, 2017 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Secondary Suite Surcharge Bylaw No. 513, 2017, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: [admin@lionsbay.ca](mailto:admin@lionsbay.ca)

#### List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
536	2(a),(b),(c)	Amends definitions	February 26, 2018
<u>571</u>	<u>2(a),(b),(c),(d)</u>	<u>Clarifies application to all suites and provides ability to separate declarations and invoicing</u>	

## Secondary Suite Surcharge Bylaw No. 513, 2017

### A bylaw to provide for Secondary Suite utilities surcharges

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

#### Citation

1. This bylaw may be cited for all purposes as "Secondary Suite Surcharge Bylaw No. 513, 2017".

#### Repeal

2. Secondary Suite Surcharge Bylaw No. 442 is hereby repealed.

#### Definitions

3. In this bylaw:
  - (a) *immediate family members* means parents, brothers, sisters, children (including adopted and step children), father-in-law, mother-in-law, sister-in-law and brother-in-law, and in addition, other relatives in the case that they are being supported financially by the property owner;
  - (b) *occupied* means inhabited for periods of one month or longer within a calendar year or advertising for habitation or residency for periods of one month or longer within a calendar year;
  - (c) *secondary suite* means a secondary suite as defined in Zoning and Development Bylaw No. 520, 2017;
  - (d) ~~M~~*Municipality* means the Village of Lions Bay.

[Amended by Bylaw No. 536]

4. If any section or other part of this bylaw is held invalid by a court, the invalid portion shall be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

5. If a property contains a *secondary suite*, ~~regardless of whether or not it has been approved by the Municipality,~~ the property owner must pay a *secondary suite* surcharge, ~~unless, if~~ the property owner ~~will be exempted from the surcharge if~~ certifies that:

- (a) the *secondary suite* is not *occupied*, or

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~~(b) if the *secondary suite* is accommodating the property owner's immediate family members.~~

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~~5-6.~~ The *secondary suite* surcharge for an applicable property shall be based on ~~and added to~~ the ~~property's annual~~ *Municipality's annual* charges for utilities, before prompt payment discount. The rate of the *secondary suite* surcharge shall be 40% of the property's utility billing for garbage and recycling collection, water and, where applicable, sewer. ~~The *secondary suite* surcharge may be billed with the annual charges for utilities or invoiced separately.~~

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~~6-7.~~ ~~Either prior to or~~ ~~When~~ remitting annual ~~Village~~ *Municipality* utility charges, all property owners must certify:

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(a) whether the property contains a *secondary suite, whether or not it has been approved by the Municipality;*

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(b) if so, whether the *secondary suite* is *occupied*; and

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(c) if so, whether the *secondary suite* is accommodating the homeowner's immediate family members;

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~~and all known *secondary suites* and their status will be recorded on the *Municipality's secondary suite register.*~~

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~~7-8.~~ Every person who:

(a) makes a false report under Section 7 of this bylaw, or

(b) neglects to report under Section 7 and is later found to have a *secondary suite* on the property,

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shall be deemed to have committed an offence and, upon a summary conviction, is liable to a minimum fine of \$2,000 and a maximum fine of \$10,000.

~~8-9.~~ Despite section 8, this bylaw is designated under section 264(1)(a) of the *Community Charter* as a bylaw that may be enforced by means of a municipal ticket information under the *Community Charter*, and is also designated under section 4 of the *Local Government Bylaw Notice Enforcement Act* as a bylaw that may be enforced by means of a bylaw notice, in which case contravention of this bylaw shall not constitute the commission of an offence.

Secondary Suite Surcharge Bylaw No. 513, 2017

Page 4

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<b>READ A FIRST TIME</b>	<b>January 24<sup>th</sup>, 2017</b>
<b>READ A SECOND TIME</b>	<b>January 24<sup>th</sup>, 2017</b>
<b>READ A THIRD TIME</b>	<b>January 24<sup>th</sup>, 2017</b>
<b>ADOPTED</b>	<b>February 7<sup>th</sup>, 2017</b>

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**Mayor**

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**Corporate Officer**

Certified a true copy of Secondary  
Suite Surcharge Bylaw No. 513, 2017

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Corporate Officer

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## VILLAGE OF LIONS BAY

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### Incoming Correspondence - January 24, 2020

*General Correspondence:*

G1: Species at Risk Act (Page 1)

*Resident Correspondence:*

R1: Penny Nelson - Proposed Cell Tower (Page 3)

R2: Karl Buhr - Woodsmoke (Page 16)

R3: Hugo Van Hoogstraten - TransLink (Page 18)

R4: Rose Dudley - Dog Bags and Collection (Page 20)

R5: Nicole and Carl Lund - Large Fallen Municipal Tree Branch (Page 22)

R6: Kirsten Reid - 52 Brunswick Tree Removal (Page 26)

R7: Jennie Cipolla - 52 Brunswick Trees (Page 27)

R8: Jens Petersen - Dangerous Trees (Page 28)

R9: Russ Meiklejohn - Tree Damage to Lund Property (Page 30)

R10: Don Shaw - Train Whistle Cessation (Page 31)

R11: Charlie Bradbury - Cell Tower Responses (Page 39)



January 22, 2020

**RE: Consultation on amending Schedule 1 of the *Species at Risk Act***

On October 9, 2019, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) submitted 56 assessments of species at risk to the federal Minister of the Environment.

On January 7, 2019, the Government of Canada posted the Ministerial Response Statements for these species on the *Species at Risk Act* (SARA) Public Registry. The Government is now launching consultations on the potential amendment of Schedule 1, the List of Wildlife Species at Risk under SARA. The complete set of statements and the consultation path (normal or extended) for each species are available at: <https://www.canada.ca/en/environment-climate-change/services/species-risk-act-accord-funding/listing-process/minister-environment-response-assessments-2019.html>.

Environment and Climate Change Canada is seeking comments on the proposed amendment of Schedule 1 resulting from assessments of 17 terrestrial species. Ten of the species included in this national consultation are found in British Columbia (BC). These are:

**Carey's Small Limestone Moss:** New listing as Endangered

- A moss known from three sites on Haida Gwaii

**Dalton's Moss:** New listing as Endangered

- A moss known from one site on Haida Gwaii

**Drooping-leaved Beard-moss:** New listing as Endangered

- A moss known from four sites on the west coast of Haida Gwaii

**Columbia Quilwort:** New listing as Endangered

- A plant found in extreme southern BC near Castlegar

**Dwarf Hesperochiron:** New listing as Endangered

- A perennial plant found a small area of southeastern BC

**Hairy Paintbrush:** New listing as Endangered

- An annual plant known from a single site between Salmo and Castlegar, in southern BC

**Ute Ladies'-tresses:** New listing as Endangered

- An orchid found from two locations in the south Okanagan Valley, BC

**Hudsonian Godwit:** New listing as Threatened

- A large Arctic-nesting shorebird that breeds in, and migrates through, northern BC

**Yellow Scarab Hunter Wasp:** New listing as Special Concern

- A large wasp found in the south Okanagan and Similkameen valleys of BC

**Cryptic Paw Lichen: Reclassification from Special Concern to Threatened**

- A lichen found in moist, old growth forests at lower elevations in BC

Fisheries and Oceans Canada will conduct consultations for 17 aquatic species eligible for addition to the list. Where authorized by a land claims agreement to perform functions in respect of an aquatic wildlife species, Environment and Climate Change Canada and Fisheries and Oceans Canada will consult the wildlife management board.

Additional information on the listing and consultation processes for terrestrial species is available in "Consultation on Amending the List of Species under the *Species at Risk Act* -Terrestrial Species". This document also includes a questionnaire that provides you guidance on the types of information and comments Environment and Climate Change Canada is seeking. It is posted on the SARA Public Registry at: <https://species-registry.canada.ca/index-en.html#/documents/3542>.

You are invited to submit comments on the potential impacts of amending the List of Wildlife Species at Risk according to these COSEWIC status assessments. Your comments will be considered and will inform the Minister's recommendation to Cabinet. Please provide comments by **May 7, 2020** for species under a normal consultation process and by **October 7, 2020** for species following an extended consultation process. Four terrestrial species, including the Hudsonian Godwit and the Cryptic Paw Lichen, will follow an extended consultation process. There will also be an opportunity to provide comments during the 30-day public consultation period associated with pre-publication in *Canada Gazette* Part I. More detailed information on individual species is included in the COSEWIC status reports, is available on the SARA Public Registry.

We encourage you to submit your comments to the SARA Public Registry at [ec.registrelep-sararegistry.ec@canada.ca](http://ec.registrelep-sararegistry.ec@canada.ca), or by answering the online survey included in Part 2 of the Consultation Document. You are also welcome to contact our regional office with any questions:

Regulatory Affairs  
Canadian Wildlife Service / Pacific Region  
Environment and Climate Change Canada  
5421 Robertson Rd, RR1  
Delta, BC V4K 3N2  
[ec.ep.rpy-sar.pyr.ec@canada.ca](mailto:ec.ep.rpy-sar.pyr.ec@canada.ca) / Tel: 604-350-1900

Respectfully,



Randal Lake  
Head, Regulatory Affairs Unit  
Canadian Wildlife Service, Pacific Region  
Environment and Climate Change Canada  
5421 Robertson Rd, RR1  
Delta, BC V4K 3N2

**From:** [Tanya Elchuk](#)  
**To:** [REDACTED]  
**Cc:** [Ron McLaughlin](#); [Neville Abbott](#); [Fred Bain](#); [Norman Barmeier](#); [Jaime Cunliffe](#); [Peter DeJong](#)  
**Subject:** RE: Proposed Cell Tower (SBA BC70057 Lions Bay)  
**Date:** Tuesday, January 14, 2020 2:03:57 PM  
**Attachments:** [REDACTED]

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Good afternoon Penny,

I can confirm that your comments, including those below, will be included on record.

Thank-you again for participating in this process.

Kind Regards,

**Tanya Elchuk**  
**SYNERGY Land Services Ltd.**  
d: 403-930-3309

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**From:** Penny Nelson [REDACTED]  
**Sent:** January 11, 2020 2:40 PM  
**To:** Tanya Elchuk <TanyaElchuk@synergyland.ca>  
**Cc:** Ron McLaughlin <mayor.mclaughlin@lionsbay.ca>; Neville Abbott <councillor.abbott@lionsbay.ca>; Fred Bain <councillor.bain@lionsbay.ca>; Norman Barmeier <councillor.barmeier@lionsbay.ca>; Jaime Cunliffe <councillor.cunliffe@lionsbay.ca>  
**Subject:** Re: Proposed Cell Tower (SBA BC70057 Lions Bay)

**- - This email has reached Synergy Land Services via an external source - -**

Exercise caution when clicking any links or opening any attachments.

Tanya,

With regards this very disappointing response, there is much I can say, however, as a starting point, I have no interest in hearing from outsiders as to what is and isn't good for our village. This is why in fact my email was addressed to Council, and merely cc'ed to you in order that it be placed on record.

But, in short, most of your response is spin, written with the sole aim of achieving your client's goal. You do not address some of the objections I raise and it looks like a lot of copying and pasting went into it. So I'm simply replying to some of the key points to place them on record.

I have to say I find it particularly arrogant that you reference our Official Community Plan, a document I participated in formulating along with many other residents, and that you spin the wording and spirit to suit your own purposes, for example, with regards stewardship of land that forms our green zones. Using land that is zoned for protection for a structure, especially for commercial purposes, is in fact completely contrary to the current zoning (OS1) of that land and the OCP.

It's zoned that way for a reason: the land is protected. You then go on to manipulate several other goals in the OCP in an effort to support your client's goal. Quite insulting, really.

To say we do not have a consultation process for a tower is disingenuous: public consultation, no matter what the issue, can and should be conducted in line with the 7 core values of public participation (see <https://www.iap2.org/mpage/Home>). In this particular instance, the process was fundamentally flawed in that it did not occur at the outset, and when it did occur, misinformation that a tower will provide better cell service for residents was disseminated both by you and our Village Update. The fact remains there is currently no guarantee that any cell providers will sign up to be on this tower or that, even if they do, that it will benefit all, some or no residents.

The white envelope placed in mailboxes containing the information you wanted seen by residents was not seen at all by one current councillor or the previous mayor, who are very engaged citizens, and hence who knows how many others who are less engaged and many more that simply didn't realise what it was. It looked like a piece of junk mail. It did not use the branding or format used very successfully earlier in 2019 to gauge public opinion on another issue, and subsequently used again on other local issues with greater success, I'm guessing, than your mailbox insert. But in any case, what was deposited in our mail boxes really was a bunch of spin and poorly presented. For example, the illustration of the tower was particularly inaccurate - the height, for one, and the complete absence of dishes and other equipment that would be required on the tower is not shown. And the denuded slope where you'd cut down our well-established forest to create your space is not shown either.

For the record, the North Shore News and the Whistler Pique are not local publications: neither covers news occurring in Lions Bay. Only a few copies of either are available in the store to a small number of residents if they choose to go and collect one and many land up in the paper recycling dumpster in the mail room, because they're not picked up at all. There is no community newspaper.

Our only source of information is the Village Update, controlled by staff in the office, and as I've already pointed out, it featured the same false promise of better cell service for residents. So all "information" provided fell short of being factual and unbiased, to the point of being dishonest in some instances.

The town hall you held was poorly attended by around 20 residents, some of whom were members of council there to observe. A number of the attendees were/are opposed to a tower. Subsequent to that, a petition signed by over 60 residents opposing the tower was delivered to council, which is three times the number that attended your town hall. Clearly opposition to the tower is significant.

So all in all, the entire consultation process has been flawed, and questionable.

Finally: Bad cell service is a relatively new phenomenon in Lions Bay. Which means providers had a way to deliver service without a tower here, but something changed. Also, depending on which provider one is using, you may or may not have a cell signal problem in Lions Bay, as commentary on local social media has pointed out.

Penny Nelson

On Tue, Dec 17, 2019 at 11:23 AM Tanya Elchuk <[TanyaElchuk@synergyland.ca](mailto:TanyaElchuk@synergyland.ca)> wrote:

Good morning,

Please find attached our response to the comments and concerns you submitted for consideration regarding the above noted project.

As per Innovation, Science and Economic Development (ISED) Canada's CPC 2-0-03: Radio Communications & Broadcasting Antenna Systems, you are entitled to 21 days from the date of the correspondence to reply however given the holiday falling within this period we are adding an extra 7 days to this timeline, for a total of 28 days. Closing date for acceptance of further response to this correspondence shall be end of day **Tuesday January 14, 2020**.

Thank-you again for your participation in this process.

**Tanya Elchuk**  
**SYNERGY Land Services Ltd.**  
d: 403-930-3309

---

**From:** Tanya Elchuk  
**Sent:** November 26, 2019 12:18 PM  
**To:** 'Penny Nelson' [REDACTED]; Neville Abbott <[councillor.abbott@lionsbay.ca](mailto:councillor.abbott@lionsbay.ca)>; Fred Bain <[councillor.bain@lionsbay.ca](mailto:councillor.bain@lionsbay.ca)>; Norman Barmeier <[councillor.barmeier@lionsbay.ca](mailto:councillor.barmeier@lionsbay.ca)>; Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>; Jaime Cunliffe <[councillor.cunliffe@lionsbay.ca](mailto:councillor.cunliffe@lionsbay.ca)>  
**Subject:** RE:

Good morning Penny,

Firstly, We would like to thank you for taking part in the public consultation process for the above noted project. The community's feedback is important to us and the comments collected will be reviewed and taken into consideration by SBA.

As per Innovation, Science and Economic Development (ISED) Canada's CPC 2-0-03: Radio Communications & Broadcasting Antenna Systems, comments or concerns relating to the antenna system as a result of the public notification process shall be addressed by the proponent (Synergy Land on behalf of SBA) within the timeline defined below:

1. Respond to the party in writing within **14 days** acknowledging receipt of the question
2. Address in writing all reasonable and relevant concerns within **60 days** of receipt

3. In the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response

Please accept this email as formal acknowledgement of receipt of your communication. We will take your comments / questions into consideration and endeavor to provide a formal response in writing within the allotted 60 days.

In the interim, I can also be available via phone if you feel a one on one conversation would be beneficial.

Thank-you again for your participation in this process.

Sincerely,

**Tanya Elchuk**  
**SYNERGY Land Services Ltd.**  
d: 403-930-3309

---

**From:** Penny Nelson [REDACTED]  
**Sent:** November 21, 2019 12:42 PM  
**To:** Neville Abbott <[councillor.abbott@lionsbay.ca](mailto:councillor.abbott@lionsbay.ca)>; Fred Bain <[councillor.bain@lionsbay.ca](mailto:councillor.bain@lionsbay.ca)>; Norman Barmeier <[councillor.barmeier@lionsbay.ca](mailto:councillor.barmeier@lionsbay.ca)>; Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>; Jaime Cunliffe <[councillor.cunliffe@lionsbay.ca](mailto:councillor.cunliffe@lionsbay.ca)>  
**Cc:** Tanya Elchuk <[TanyaElchuk@synergyland.ca](mailto:TanyaElchuk@synergyland.ca)>  
**Subject:**

<b>- - This email has reached Synergy Land Services via an external source - -</b>
Exercise caution when clicking any links or opening any attachments.

Council,

With regards the proposed use of Village land for a privately owned telecommunications tower, I would like to say that I am opposed to it for many reasons, even though, as a Telus customer, I have most definitely had problems with cell service for the past few years. **I would like to emphasise that we never used to have problems; this is relatively recent.**

Further, while I am in favour of generating revenue to boost our income, I am NOT in favour of selling our soul as a community for projects that are detrimental to the character of the Village or how we live, no matter what may be the case in other municipalities. There is always the option of cutting unnecessary expenditure.

Rental income from allowing the tower to be built on Village land is somewhat minimal in the greater scheme of things and I am sincerely hoping Council will ask: is it worth it?

The Top 7 reasons I am opposed to the erection of a telecommunications

## tower on Village land

### 1. **We don't need a tower in our Village**

I am with Telus, the largest cell service provider in Western Canada. We used to have much better cell service in Lions Bay. The question is: what changed and why, and what are the cell service providers going to do about it? Since Lions Bay consumers used to enjoy good cell signals, this suggests there is an alternate way to deliver the service for which we pay so dearly without having to erect a tower on Village land. The onus to provide customers with cellular service lies with service providers, not the Village. Based on comments on Facebook, it would appear quite a number of residents do not experience cell signal issues at all: seemingly Fido customers do just fine. One could argue that it would be nice to have natural gas in Lions Bay, but that doesn't mean the Village should make it happen other than to advocate on behalf of residents. Ditto faster internet service, more bandwidth and optic fibre. A better solution might therefore be for Council to approach the CRTC on behalf of residents and request they investigate why cell service in Lions Bay has deteriorated in recent years in the same way Council has discussed issues with BC Hydro and Terasen.

### 2. **We don't need the money**

The minor amount of revenue that would be generated by this unwanted tower could easily be covered by reducing our staff costs (which have doubled from \$700,000+ to almost \$1.4 million, excluding consultants) and eliminating unnecessary expenditure (an entirely separate discussion, but hiring a graphic designer comes to mind, as does paying a resident "volunteer" for a depiction of the proposed beach park project. I think we're at around \$20,000 right there, and I don't even have the numbers we spent on new "no parking this side any time" signs to replace standard "no parking" signs, but I'm almost sure that might take us close to \$40,000).

### 3. **The science**

These towers pose a health risk to those living in close proximity, especially growing children. This has been documented for years and is not new information. I am also concerned about the impact on wildlife.

### 4. **The tower would forever destroy the natural beauty of the mountain**

In addition to those of us who live here because of the natural beauty around us, BC attracts millions of tourists from around the world who drive the Sea to Sky or travel on BC Ferries and enjoy the spectacular, world famous scenery. The pristine mountainside will be forever scarred if this tower is erected, especially once covered with dishes and other technical equipment. Even if they are painted green. I don't believe we have the moral right, as a Village, to compromise the world-famous scenery in which we live, and certainly many of us don't have the desire to do so either. I haven't even touched on the impact of flashing lights on the tower, both to humans and wildlife.

### 5. **A tower in close proximity to homes may impact property values**

Many buyers are well aware of the health impact of these towers, as they are of the effects of BC Hydro's pylons carrying high voltage lines, and will not buy homes close by. This is also common knowledge.

### 6. **The process is flawed**

a) This public consultation is being conducted by a consultancy that is being paid by the American company that will benefit financially from the proposed tower. They have a pecuniary interest in getting this done and are hence biased. Whatever is presented on Thursday will be designed to sway residents to go along with the idea. This is how it's

done.

b) The previous council did not consult with residents when the idea was initially being considered. Asking for input at this late stage is disingenuous.

c) To exacerbate (a) and (b), the severely slanted piece in the Village Update promised something that is not guaranteed at this time – better cell service, and does not disclose pertinent information. The piece did not mention:

- No cell service providers have signed up to be on the tower at this time
- Even if they do sign up, there is no guarantee at this time that service will be improved to all residents no matter where they may be in the Village, or some residents, or if residents would benefit at all – cell providers may simply use the tower to direct signals elsewhere.

At the end of the day, there was only one response to the RFP, from an American company. Is this not an indicator that Canadian cell service providers are not interested in erecting a tower here? Imagine the terrible PR they'd get for defacing one of "Beautiful, natural British Columbia's" most iconic tourist areas!

I ask again: is it worth it?

Penny Nelson



December 17, 2019

Via Email: [REDACTED]

**To: Penny Nelson****Re: Proposed SBA Canada, ULC Telecommunications Facility - Response to Comments/Concerns Submitted with Respect to Proposed Project****Location: A portion of the Municipality-owned Lands above the Harvey Creek Water Treatment Plant in the Village of Lions Bay, BC****SBA File: BC70057-B**

Thank you for taking part in the public consultation process for the above noted project.

The community's feedback is important to us and your comments collected have been reviewed and taken into consideration by SBA.

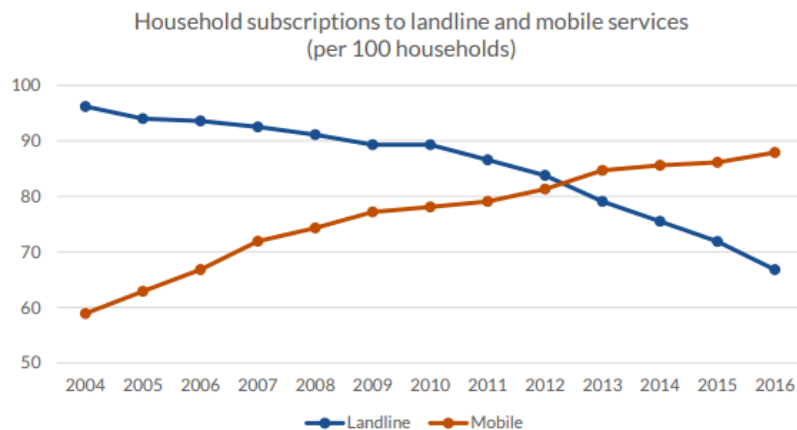
We would like to take the opportunity to respond to your feedback. Your comments and concerns, as we understand them, are summarized as follows:

- Need for Tower, Coverage Issues, & Village of Lions Bay' Official Community Plan Criteria (OCP)
- Location & Rental Income
- Health & Safety
- Visual Aesthetics, Potential Tenants & Equipment on Tower
- Property Values
- Aviation Safety – Tower Lighting
- Public Consultation

### **Need for Tower, Coverage Issues, & Village of Lions Bay' Official Community Plan Criteria (OCP)**

It has long been identified that cellular reception is poor in many areas of the Village of Lions Bay resulting in lack of service and dropped calls which negatively affect visitors, residents, businesses and emergency services on regular occurrence. Challenging terrain and lack of existing infrastructure on which to co-locate are just two of the challenges in providing effective wireless coverage to the community.

Additionally, cellular usage is consistently trending upwards. As per the CRTC's Communications Monitoring Report 2018, over the last decade, the percentage of households with landlines has decreased, while the percentage with mobile phones has increased. Fewer households are subscribing to both services – in 2016, almost a third (32.5%) of Canadian households were mobile-only households, and 11.4% were landline-only.



In an effort to explore options in addressing the mounting necessity for improved wireless coverage in the area, the Municipality put forth a Request for Proposal (RFP) entertaining "Telecommunications Tower and Wireless Services Opportunities".

The RFP was intended to open communication between industry infrastructure providers and the Municipality so as to plan for the orderly improvement of services which benefit the community while respecting community values. The SBA proposal will limit community impacts by promoting shared space on the tower (co-location) for multiple wireless services providers.

In addition to improved cellular services, the proposed development will also support initiatives in line with the Village of Lions Bay Official Community Plan, including:

**Watershed stewardship:** The provision of free space on the tower for the UBC Watershed Research Project is an important consideration for the community. This is a long range study of our watershed and the effects of climate change on our future supply of potable water.

**Strengthening community:** Improvements to technology provide more opportunities for residents to work from home via telecommuting and improve their connectivity to each other on social networks.

**Ensuring a safe community:** Technology improvements enhance the ability to send 911 calls and receive important messages via Lions Bay's emergency notification system, LB Alert. Cellular improvements can also enhance the operational capabilities of residential security systems and make it easier for residents to message each other via the Blockwatch network. *(This is also an important step in bringing the Village's operations closer to being able to implement the Canadian Radio-Television and Telecommunications Commission's (CRTC) Next Generation 9-1-1 services.)*

**Providing effective services:** Wireless communications provide additional capacity for the Municipality and its Public Works department to improve community services.

**Meeting responsibilities in governance:** There are several ways in which the foregoing considerations assist the Municipality in meeting its responsibilities. This includes addressing our obligations to reduce GHGs as part of our Climate Action initiatives as highlighted in section 9 of the OCP.

**For more information please visit the following links:**

**What's NG 9-1-1**

<https://www.novacomunications.com/2019/05/30/whats-next-generation-911-everything-you-need-to-know/>

**Next Generation 9-1-1 (NG9-1-1)**

<https://crtc.gc.ca/eng/phone/911/gen.htm>

**CRTC News Release June 1, 2017 Re: NG 9-1-1**

[https://www.canada.ca/en/radio-television-telecommunications/news/2017/06/the\\_crtc\\_is\\_creatingasaferenvironmentforcanadiansbyenablingaacces.html](https://www.canada.ca/en/radio-television-telecommunications/news/2017/06/the_crtc_is_creatingasaferenvironmentforcanadiansbyenablingaacces.html)

**Communications Monitoring Report**

<https://crtc.gc.ca/pubs/cm2018-en.pdf>

**Location / Rental Income**

The Municipality proposed two locations in the Request for Proposal (RFP). The proposal at Harvey Creek Water Treatment Plant currently in circulation and an alternative option near the Magnesia Water Treatment Plant. The Municipality chose to proceed with the opportunity at Harvey Creek as it is fee simple owner of the land as opposed to a lease hold at the Magnesia opportunity.

One of the key reasons for pursuing this project on municipally owned land is so that the Municipality can exercise some control over the process and the benefits to be derived for the community. Due to the federal jurisdiction over cell tower construction and operation, such projects can, and sometimes do, move forward over the objections of Municipalities where the land hosting the tower is not controlled by the local government.

Use of Municipal lands enables the community to benefit financially from the project as well as through improvements to cellular services. This would not be the case if such a project were to be built on private or crown lands without Municipal approval, which is possible due to the federal jurisdiction over siting and operation of cellular towers.

At this time there is no other use proposed for these lands and nothing expected in that regard in the foreseeable future. The site is not particularly suitable for residential development and servicing it with water would be difficult given its elevation above the water treatment plant and the new Harvey Water Tank.

## Health and Safety

Concerns have been noted regarding this project with respect to proximity of the proposed telecommunication tower to the community and the perceived health risks that would be potentially visited on area residents. This is a common and understandable concern anytime a new cell tower is proposed.

Telecommunications towers transmit and receive radio-frequency (RF) signals or energy in order to connect with the cell phones and other mobile devices in the network. RF energy from telecommunication towers is a form of “non-ionizing” radiation, which means it is not strong enough to break chemical bonds. Common sources of RF exposure include cell phones, cordless telephones, FM radio transmitters, baby monitors, Wi-Fi routers, and of course cell towers.

Health Canada has a guideline, known as Safety Code 6, which recommends limits for safe human exposure to RF electromagnetic energy. The limits established in Safety Code 6 incorporate large safety margins to provide a significant level of protection for all Canadians. The exposure limits set in Safety Code 6 are based on an ongoing review of published scientific studies, including both internal and external authoritative reviews of the scientific literature, as well as Health Canada’s own research. The code is periodically revised to reflect new knowledge in the scientific literature.

This figure shows the Canadian limits that incorporate a safety margin of at least 50-fold from the threshold for possible adverse health effects.

Canada's limits are consistent with the science-based limits used in other parts of the world (e.g. the United States, the European Union, Japan, Australia and New Zealand) and provide protection against all known adverse health effects resulting from RF exposure.

Health Canada does not consider cell towers dangerous to the public, including groups typically more sensitive to environmental agents (young children, elderly). The limits set out in Health Canada's Safety Code 6 are designed to protect people, of all ages and sizes, from all forms of exposure to RF energy, including continuous exposure (24 hours a day, seven days a week).

Innovation, Science and Economic Development Canada (“ISED” formerly Industry Canada) requires that all antenna systems meet Health Canada’s limits on the amount of RF energy that can be present in areas to which the public has access. Once antenna installations are built, operators need to ensure their installations comply with the Canadian limits at all times as a condition of their licence.

Health Canada maintains these RF levels are safe for all members of the public. Please reach out to them directly if you require further information on the subject.

**Please visit the following websites for additional information:**

**Radio Frequency Energy & Safety**

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

**FAQ on Radio Frequency Energy & Health**

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08792.html>

**Fact Sheet: What is Safety Code 6?**

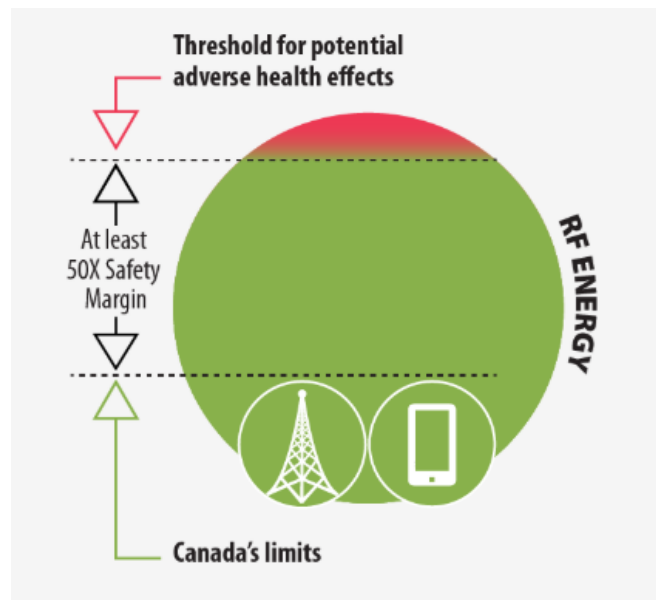
<https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/fact-sheet-what-safety-code-6.html>

**Safety Code 6: Health Canada’s Radio Frequency Exposure Guidelines**

<https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/safety-code-6-health-canada-radiofrequency-exposure-guidelines-environmental-workplace-health-health-canada.html>

**Facts About Towers**

[http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h\\_sf11435.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf11435.html)



## **Health & Safety - Next Generation 9-1-1 (NG911)**

NG911 is the “next generation” of the 911 system. It will be a more enhanced system designed to be faster, more reliable and able to accept more than just voice calls. Upon implementation, some of the most notable enhancements to the current 911 calling system will include:

- The ability for people to text and send photos and videos to 911 (such as photos of fleeing suspects, medical information, or critical situations where it’s a lot safer to communicate via text instead of voice)
- Better location-tracking so that call-takers can locate persons more quickly (ability to identify the location of lost or injured hikers)
- Faster transmission of files like building floor plans and enable the 911 call response teams to share information for faster emergency response

There are numerous examples of how emergencies can (or could have been) improved by these capabilities.

This transition isn’t optional. It’s mandatory, as set forth by the Canadian Radio-Television and Telecommunications Commission (CRTC). In June 2017, they directed all telephone companies to update their networks in order to be ready to provide NG911 services.

The evolution to NG911 is expected to occur gradually over a number of years.

- It will start with the CRTC and telephone companies collaborating to prepare the networks so that they are capable of carrying NG911 traffic to the emergency call centres.
- The next step will be for provincial, territorial and municipal governments to work with their emergency call centres to get their operations ready for NG911 services.

**For more information regarding NG911 please visit the following links:**

### **What’s NG 9-1-1**

<https://www.novacommunications.com/2019/05/30/whats-next-generation-911-everything-you-need-to-know/>

### **Next Generation 9-1-1 (NG9-1-1)**

<https://crtc.gc.ca/eng/phone/911/gen.htm>

### **CRTC News Release June 1, 2017 Re: NG 9-1-1**

[https://www.canada.ca/en/radio-television-telecommunications/news/2017/06/the\\_crtc\\_is\\_creatingasaferenvironmentforcanadiansbyenablingaccs.html](https://www.canada.ca/en/radio-television-telecommunications/news/2017/06/the_crtc_is_creatingasaferenvironmentforcanadiansbyenablingaccs.html)

## **Visual Aesthetics, Potential Tenants & Equipment on Tower**

As noted in the information package, SBA is proposing a 60m self-support lattice type tower. Reasonable efforts to integrate the tower into the existing surroundings so as to minimize the visual impact have been incorporated into the proposed tower design. The tower will be painted green to match the surrounding foliage and all future tenants will be encouraged to design their installations and color match their equipment with reduction to visual impact in mind.

At this time the specifics of the equipment to be mounted on the tower are unknown as future potential tenants will plan each installation to meet their individual needs.

SBA has been reaching out to industry regarding the proposed project and interest from cellular network providers has been strong. Approval from the Municipality, will increase likelihood that these carriers shall enter into formal agreements with SBA for placement of their equipment in order to service the community.

Additionally, the Municipality is provided with free space on the tower for equipment belonging to the Village of Lions Bay, UBC (for watershed research), or any emergency provider, agency or dispatcher authorized by the Municipality.

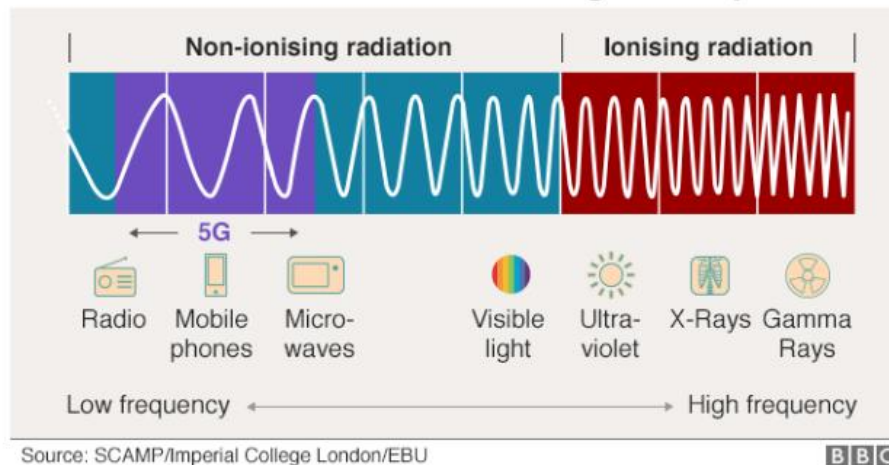
## Health & Safety – 5G

5G will be an entirely new, flexible network that will interface with all existing and evolving generations of wireless technology to come. 5G will be a game changer in wireless telecommunications, ushering in a network for future generations with more devices, faster communication, and higher speeds.

The radio wave band used for telecommunication networks is non-ionising. Non-ionizing radiation is relatively low-energy radiation that doesn't have enough energy to ionize atoms or molecules. It's located at the low end of the electromagnetic spectrum. Non-ionizing radiation sources include power lines, microwaves, radio waves, infrared radiation, visible light and lasers.

We're surrounded by electromagnetic radiation all the time - from television and radio signals, as well as from a whole range of technologies, including mobile phones, and from natural sources such as sunlight.

### Where 5G fits in the electromagnetic spectrum



There is an increasing amount of misinformation circulating on the Internet and through other channels about possible harmful effects from 5G mobile wireless networks. Contrary to these claims, there are no established health risks from the radiofrequency waves used in 5G networks in accordance with applicable safety standards. This includes Health Canada's existing Safety Code 6 Radio Frequency Exposure Guidelines.

#### **For more information regarding please visit the following links:**

##### **Setting the Record Straight on 5G Wireless & RF Safety**

[https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA\\_5G-Wireless-and-RF-Safety\\_EN\\_2019.08.07.pdf](https://www.5gcc.ca/wp-content/uploads/2019/08/CWTA_5G-Wireless-and-RF-Safety_EN_2019.08.07.pdf)

##### **Does 5G Pose Health Risks? - BBC News**

<https://www.bbc.com/news/world-europe-48616174>

##### **What is 5G?**

<https://www.ic.gc.ca/eic/site/069.nsf/eng/00077.html>

##### **Radio Frequency Energy & Safety**

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>

##### **5G Council of Canada - Resources**

<https://www.5gcc.ca/resources/>

##### **Communications Research Centre Canada**

<https://www.ic.gc.ca/eic/site/069.nsf/eng/home>

## Property Values

Determining the value of a property is dependent on many varying influences including (but not limited to) factors such as land use, location, accessibility, development and improvements. Due to the ever changing nature of these variables, no definite link between telecommunication towers and decreasing property values can be established. In fact, there is the same likelihood that property values can increase in a given area due to better wireless connectivity and the growing demand for "smart" technology.

### **Aviation Safety - Tower Lighting**

The tower will not be constructed without approvals from both Transport Canada (TC) and NAV Canada (NAV) in place. Applications have been submitted to both with respect to the proposed project.

SBA is anticipating no marking or lighting should be required as the proposed tower is not located within any flight path and does not exceed obstruction standards for the Vancouver International Airport, however, it will not be confirmed until the results of the review are issued by TC and NAV. Upon receipt, details regarding the approval shall be made available to the Municipality for publishing on their website, or upon request.

There are several options to tower marking and lighting that do not include flashing lights. SBA will consider these options, upon consultation and approval from TC/NAV Canada.

### **Public Consultation Process**

Proponents must follow Innovation, Science and Economic Development Canada's (ISED's) Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting.

As the Village of Lions Bay does not have a documented process with respect to telecommunications towers, SBA was obligated to follow ISED's Default Process. This process requires:

- Minimum notification radius of 3x tower height
- 30 days for public comment
- Newspaper Ad for towers over 30m

Further to the above, and at the request of the Village of Lion's Bay, additional measures over and above ISED's Default requirements were taken to engage the community as follows:

- Approx. 650 notifications packages circulated
- Bulletins on 4 Community Notice Boards
- Newspaper ads in both the Pique News Magazine & the North Shore News
- Weekly Notices in the Village Update - Email Newsletter
- Open House / Public Meeting November 21, 2019

Public consultation is ongoing as SBA is still in the process of reviewing and addressing all comments and questions submitted. SBA will only commence with installation of the proposed tower upon completion of this consultation process and concurrence from the Municipality is received.

### **In Closing**

We hope this additional information serves to inform and address your comments and concerns satisfactorily.

As per Innovation, Science and Economic Development (ISED) Canada's CPC 2-0-03: Radio Communications & Broadcasting Antenna Systems, you are entitled to 21 days from the date of the correspondence to reply however given the holiday falling within this period we are adding an extra 7 days to this timeline, for a total of 28 days. Closing date for acceptance of further response to this correspondence shall be end of day **Tuesday January 14, 2020**.

Thank-you again for your participation in this process.

Regards,

**Synergy Land Services Ltd.**  
**On behalf of SBA Canada, ULC**



**Tanya Elchuk**  
Team Lead, Telecommunications  
Site Acquisition Specialist

General information regarding telecommunications systems is available on Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications website (<http://strategis.ic.gc.ca/antenna>).

## Contacts

### 1. SBA Canada, ULC

c/o: Synergy Land Services Ltd.  
Tanya Elchuk – Team Lead, Telecommunications  
Site Acquisition Specialist  
200, 2710 17<sup>th</sup> Avenue SE  
Calgary, AB T2A 0P6  
Phone: (403) 283-4400  
Direct: 403-930-3309  
Fax: (403) 283-8318  
E-mail: [TanyaElchuk@synergyland.ca](mailto:TanyaElchuk@synergyland.ca)

### 2. Innovation, Science and Economic Development Canada – Spectrum Management Lower Mainland District Office

13401 – 108 Avenue, Suite 1700  
Surrey BC V3T 5V6  
Phone: (604) 586-2521  
Fax: (604) 586-2528  
Email: [ic.spectrumsurrey-surreyspectre.ic@canada.ca](mailto:ic.spectrumsurrey-surreyspectre.ic@canada.ca)

### 3. Village of Lions Bay

Peter DeJong, BA, LLB, CRM  
Chief Administrative Officer  
Phone: (604) 921-9333  
Fax: (604) 921-6643  
Email: [cao@lionsbay.ca](mailto:cao@lionsbay.ca)

**From:** [REDACTED]  
**To:** [Council](#)  
**Cc:** [Peter DeJong](#); [Municipal](#); [Julie Saxton](#); [roger.quan@metrovancover.org](mailto:roger.quan@metrovancover.org)  
**Subject:** Woodsmoke  
**Date:** Wednesday, January 15, 2020 2:09:34 PM

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Dear Members of Council,

I was unable to make last night's meeting to speak, so am writing as an alternative. The wood burning issues you considered last night relied in several places on the recent community survey, but that survey was so obviously seeking to support an already-established position though leading questions and misrepresented facts, that I hope you gave it little credence. For example, despite suburban-scale quarter-acre lots and mere 8-foot side setbacks, the survey claimed we are "rural," and that that somehow justified accepting more air pollution (in fact, as the Metro report points out, population density in our residential areas is as high as in Burnaby's!). The survey included non-heating months to average air quality over a year, when of course there is *no* PM2.5 from wood heating when there is no wood heating. Many survey respondents seemed to equate pollution from fires with GHGs, two different things. As you will know, wood combustion is not considered a contributor to GHGs, since it simply returns CO2 to the atmosphere that the tree used to grow during its lifetime.\* If I took one thing away from the survey it was that fires were often made only occasionally, for ambience, irrespective of health effects, let alone considering that fires that draw their combustion air through the house from outside, may be net energy negative depending on outside air temperature and the amount of air needed for the size of the fire. Council seems to rely on the survey's responses as gospel, when most do not even touch on the issue: reducing combustion emissions in Lions Bay where wood heat is so prevalent.

The research shows that smoke is very localised, as it pours along depressions in the land after it has cooled. I know personally that Lions Bay winter air quality can be appalling—my children woke up coughing every winter morning in the second of our three homes here. It's why we moved, and how I got into local politics: when I contacted the Council of the day, I was told "the air is great at my house, so you must be wrong." The Metro air quality study unfortunately supports this view: as a single point of measurement it is clearly not representative of the whole Village, even though when nearby residents *did* occasionally have fires, the equipment immediately detected smoke at unacceptable levels. But it's still used to "prove" that our air is just great, overall, and not just at some Council member's houses. It's probably correct that Lions Bay's airshed is different to the Fraser Valley airshed of the rest of Metro, even though one increasingly see's Vancouver's smog creeping past Horseshoe Bay into Howe Sound. Different airshed or not, Lions Bay certainly has an air quality problem, from Howe Sound Pulp and Paper's smoke filling the Sound during frequent inversions, to the yellow dome sitting over Lions Bay on windless winter heating afternoons. Whatever the airshed it's well established from chemical sampling that woodsmoke is the source of the majority of wintertime PM2.5. And it's well established from epidemiological studies that PM2.5 is very bad for human health. A long-ago Council had the courage to ban outdoor burning for air quality and fire safety reasons, and as Mayor I supported Metro's wood appliance planning not because I thought it would improve our wintertime air (see below for why not), but because it brought the issue to the forefront. You might recall my advocacy for a Lions Bay campaign on smoke behaviour, fire best practice, appliance tuning, municipal wood supply and more, explicit steps to improve overall air quality in Lions Bay. That campaign no longer appears in the Strategic Plan.

Make no mistake: I support wood heating. I just want it to cleaner. Which brings me to my two points today.

Metro's proposed provisions won't help because people who don't want to be regulated simply won't register, and finding them otherwise will be hard. And even if a full registry existed, would Metro enforcement officers come to Lions Bay every night with specialised equipment to measure smoke opacity and molecular signature (assuming they could find 500+ chimneys in the dark) over the hours people are starting up, running, and damping? Not likely, so how would it work?

- The request for decision you saw last night suggested natural gas being laid on in the Village. Regardless that natural gas *is* a fossil fuel and thus a GHG contributor, we can't use natural gas in Lions Bay. Gas furnaces require forced-air ductwork or hydronic piping to distribute their heat. Hydronics-equipped houses presumably already have their energy source handled, so are not now candidates to switch to natural gas. The infrastructure census Council asked for also never happened, so we don't know how many Lions Bay homes already have ductwork, but they're surely in a minority, since most of were built in the era when BC Hydro was promoting electrical resistance heat. Retrofitting an existing house with ductwork to be able to replace wood or electrical heat with natural gas heat is almost certainly cost-prohibitive. New construction doesn't figure in Lions Bay, so only houses with existing ducting are candidates for natural gas, and they would be far better off considering an electric heat pump before exchanging one fossil fuel for another. Previous Councils understood this, and I hope you do too?

Council's new policy direction, based from what I can tell on a flawed survey, an unrepresentative study and personal opinion, is unfortunate. I don't hold out much hope for further improvement of Lions Bay air quality as far as wood burning goes. But you probably know the characteristic burnt Tupperware stench of oil furnaces firing up in the morning. Oil burning may not be as significant a source of PM2.5 as wood burning, but the smell certainly affects quality of life. Oil-heat homes necessarily have ductwork or hydronics, so are candidates for electric heat pumps. Why not an oil furnace changeout program to help us meet our GHG targets? Maybe use the \$40,000 in local taxpayer money now being talked about for the EV fast charger, which is being justified on the same grounds.

Karl Buhr

\*Indeed, burning wood is probably is better than allowing it to eventually rot in the forest, where any anaerobic decomposition will produce some methane, which *is* a potent GHG. Incidentally, the heat released by combustion--the fast oxidation of carbon and hydrogen chemical bonds in cellulose--is not a miracle: it is simply the energy that was needed to *form* the molecule being burned, as supplied by the sun through photosynthesis. Fossil fuels of course are the result of prehistoric photosynthesis—the hydrocarbon molecules in gas, oil and coal being burned today were formed under temperature and pressure over millions of years from prehistoric animals and the prehistoric plants they ate. Problem is, that's a lot of carbon to now return to the atmosphere, especially at today's accelerating rate, and especially since the science is now pretty clear on the correlation between atmospheric CO2 and global temperature.

**From:** [Ron McLaughlin](#)  
**To:** [REDACTED]; [Municipal](#); [Peter DeJong](#)  
**Cc:** [REDACTED]; [Ron McLaughlin](#)  
**Subject:** Re: TransLink: no bus January 14  
**Date:** Thursday, January 16, 2020 10:52:18 AM

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Dear Hugo, Tina, and Alison:

I am so sorry you were all out in the cold Tuesday morning with no bus arrival at either 6:50 or 7:40. Nothing I can say is going to make you feel better after standing in minus 7 degree weather for 1 1/2 hours.

The Transit Blue Bus supervisors that were spoken to advised that there were highway closures earlier in the morning. This resulted in insufficient drivers available for all of the routes. Lesser routes (us) were activated later in the morning. This snowfall has created havoc in all of Metro. I am pretty sure we all understand that transit doesn't operate if there are no drivers. What concerns both you and I is the failure of the alert system. The supervisors advised they had sent out an alert on the Translink Bus Schedule page, however they received many calls to say there was no alert. They were looking into why it didn't work (it's an automated system). One of the supervisors called me yesterday and gave me an explanation on the failure of the alert system which I didn't entirely understand. I will be forwarding this email to them to ask for their advice in writing. When this is available, depending on the answer, it will be one of the things I ask the Translink senior executive about when I see them later this month.

Last night one of the Transit Blue Bus supervisors emailed me to advise the 262 was stuck in Brunswick after the drop off here at 5:35. I appreciate their efforts to communicate the best they can.

When I next write in the Village Update I will give this matter some coverage.

Regards,

**Ron McLaughlin**

*Mayor*

### **The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada

Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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Freedom of Information and Protection of Privacy Act and other freedom of information or privacy legislation, and no admissible disclosure of this email can be made without the consent of the Municipality.

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**From:** Hugo van Hoogstraten [REDACTED]

**Sent:** Tuesday, January 14, 2020 7:27 AM

**To:** Council <council@lionsbay.ca>

**Cc:** Tina Schneider [REDACTED]; Alison Fischer [REDACTED]

**Subject:** TransLink: no bus January 14

Dear council,

Can you please follow up with TransLink and west van blue bus why there was no bus 262 this morning?

Four of us have been waiting since 6:45am for a bus to go to work. We called TransLink (number on bus pole) several times. Their line indicates there are no current disruptions. No response to voicemails left with them.

Appreciate your help supporting public transport.

Kind regards,

Hugo van Hoogstraten

[REDACTED]

**From:** [Lions Bay Reception](#)  
**To:** [Lions Bay Reception](#)  
**Subject:** FW: How Much is Dog [REDACTED] Collection Actually Costing Us?  
**Date:** Thursday, January 23, 2020 9:30:21 AM

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**From:** Rose Dudley [REDACTED]  
**Sent:** Saturday, January 11, 2020 5:56 PM  
**To:** Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>  
**Subject:** Re: How Much is Dog [REDACTED] Collection Actually Costing Us?

Hi Ron,

Well it was my intention to find out what the situation really is, because, from what I see happening, I felt it was worth asking about. I wasn't trying to be funny, but I could reword the letter, if you think the word shit is a bit strong, even though that's exactly what we are dealing with.

As far as bags of it left on the trails go, it is also worth addressing. Those of us who walk the trails regularly find them a frequent and unpleasant sight, although, in the whole scheme of things, I admit, it is a minor aggravation compared to all the awful things that are happening in the world today.

Thanks for your prompt reply.

Rose

On Sat, Jan 11, 2020 at 5:29 PM Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)> wrote:

Hi Rose. Did you really want this to go to Council and in to correspondence?

**Ron McLaughlin**

*Mayor*

**The Village of Lions Bay**

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**From:** Rose Dudley [REDACTED]  
**Sent:** Saturday, January 11, 2020 12:20 PM

**To:** Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>

**Subject:** How Much is Dog [REDACTED] Collection Actually Costing Us?

Dear Mayor Ron and Council,

I have been intending to write, for some time, about our village garbage collection, more specifically about the garbage truck that I have seen coming on Sundays to empty the public bins. Bearing in mind that these bins contain 95% dog [REDACTED], it would seem to be a questionable expense.

Of course, for all I know, this may well be a part of the whole garbage collection package and that this is just the way our collector chooses to deal with it, but, in any case, a huge truck plying our streets just for this purpose is hardly an environmentally sound decision, particularly as what is being collected is a biodegradable product.

In speaking with other community members, I realise that few have been aware of the practice. Perhaps, providing everyone with a trowel as they pick up their dog licenses might be a cheaper and environmentally sound option. When we first moved to Oceanview Rd. 22 years ago, our neighbour carried a shovel to bury her dog's waste. It is not such a crazy idea in a village surrounded by forest, and it would put an end to seeing those interminable bags of [REDACTED] that decorate our trails when dog owners fail to retrieve them on the return journey.

Yours sincerely,  
Rose Dudley

From: [REDACTED]  
To: Tom McLaughlin; Neville Abbott; Fred Bain; Norman Barmeier; Jaime Cunliffe; Peter DeJong; Municipal Council; [REDACTED]  
Subject: 52 Brunswick - Large fallen tree branch from a Municipal tree - Immediate action required!  
Date: Friday, January 17, 2020 10:31:00 AM

Our Builder arrived on site today to find a very large scaffold branch from a Municipal tree which had fallen on to on our property (as we predicted!) (see photos below). This should more than serve as proof that these trees are a threat to our home, property, and safety, as well to our adjoining neighbours. It also proves that the VLB is negligent in managing these trees and is failing to provide a duty of care for the safety of those living and working near them. We demand that the VLB take immediate action to mitigate the hazards these trees pose by removing the trees. We also demand that the VLB remove the large fallen branch from our property asap.

The branch landed on our deck, it could have hit someone and seriously injured or killed them.

Nicole and Carl Lund

Begin forwarded message:

From: David [REDACTED]  
Subject: Windfall  
Date: January 17, 2020 at 9:12:37 AM PST  
To: Carl Lund [REDACTED], Nicole Lund [REDACTED]

Hi guys  
This one came down during the windstorm. Hit the deck-no visible damage but quite a big one.









**From:** [Lions Bay Reception](#)  
**To:** [Lions Bay Reception](#)  
**Subject:** FW: Consideration of removal of trees from Brunswick Beach property  
**Date:** Thursday, January 23, 2020 9:50:06 AM

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From: Kirsten Reid  
Sent: Saturday, January 18, 8:00 PM  
Subject: Consideration of removal of trees from Brunswick Beach property  
To: Council

Good evening VLB Council,

In support of the Lund family (@ Brunswick Beach) and their safety, as well as the impact on the construction of their new property, I would like to express my support for the Municipality to remove the fir trees located on Municipal land (3) which border the Lund's property.

Thank you for your consideration.

Respectfully,

Kirsten Reid  
60 Panorama Rd, Lions Bay, BC

**Jennie Cipolla  
390 Bayview Road,  
Lions Bay, BC V0N 2E0**

**January 20, 2020**

**Village of Lions Bay  
400 Centre Road,  
Lions Bay, BC V0N 2E0**

**Dear Councillor,**

**I am writing in support of Nicole and Carl Lund, who would like to make sure that the trees that surround their new build in Brunswick Beach are safe.**

**Nicole reached out to me because we had a tree fall on our house, on Bayview Road, last Christmas. Living in a forested area is beautiful, but definitely poses some problems, and maintaining the trees around our houses is very important. It is the responsibility of owners to make sure that their trees do not pose a danger to neighbours or their property. If I had known that large hemlock trees have shallow root systems and can become a danger, I would have taken the tree down that demolished my kitchen and caused a terrible scare to my family. I believe that branches from the trees on the corner of the Lund's property have already created a scare, coming down on their to-be-completed deck and would have been terrible if it comes crashing through the glass sliders that will soon be along the water side of their property. These trees, which are on municipal property, certainly seem to be posing a danger and it is the village's responsibility to arrange for removal or pruning to make sure the Lund's feel safe and secure in their home.**

**Your consideration with this matter is appreciated and I hope you will take immediate action in this regard.**

**Kind regards,  
Jennie Cipolla**

**From:** [Ron McLaughlin](#)  
**To:** [Peter DeJong](#); [Municipal](#); [Shawna Driscoll](#)  
**Subject:** Fw: Dangerous trees  
**Date:** Monday, January 20, 2020 10:57:02 AM

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For correspondence.

## Ron McLaughlin

*Mayor*

### The Village of Lions Bay

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada

Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** JP [REDACTED]  
**Sent:** Monday, January 20, 2020 10:48 AM  
**To:** Council <council@lionsbay.ca>  
**Subject:** Dangerous trees

Hello Councillors,

I am Nicole Lunds father and obviously very concerned about the safety of my family.

I know that there are two trees that are loosing very large branches when there are high winds. I know that these trees have been there a long time and has withstood much over the years. Times are different now with climate change causing severe conditions causing frequent wind warnings, along with ferry and ski lift shut downs.

I have seen the photos of the very large branches falling from these trees onto on their deck and house (currently being built) obviously a very dangerous situation.

This matter is urgent and needs the councils immediate attention, it needs to be the first priority on the councils agenda and dealt with before construction is completed.

Also the neighbors property directly south has many Hemlock trees that I fear may fall in one of these wind storms causing untold damage.

This letter is written to support the Lunds, a response from the council would be most appreciated.

**Please do not ignore this issue it is a matter of urgency and extremely important.**

Yours Sincerely,

Jens Petersen

[REDACTED]  
[REDACTED]

[REDACTED]

**From:** [Ron McLaughlin](#)  
**To:** [Peter DeJong](#); [Municipal](#); [Shawna Driscoll](#)  
**Subject:** Fw: Tree damage to Lund property  
**Date:** Tuesday, January 21, 2020 9:32:01 AM

---

For correspondence.

**Ron McLaughlin**

*Mayor*

**The Village of Lions Bay**

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0, Canada

Tel: (604) 921-9333 | Cell: (604) 353-7138 | [www.lionsbay.ca](http://www.lionsbay.ca)

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**From:** RUSS AND DOROTHY MEIKLEJOHN [REDACTED]  
**Sent:** Tuesday, January 21, 2020 9:30 AM  
**To:** Council <council@lionsbay.ca>  
**Subject:** Tree damage to Lund property

Mayor and Council

I am concerned to hear of the damage to the Lund property from a Village Tree. As outlined in my earlier email to the committee, these trees present a real and present danger and am not happy with the liability that we as the Village may be incurring.

Respectfully  
Russ Meiklejohn  
59 Brunswick

**From:** [REDACTED]  
**To:** [Council: Municipal](#)  
**Subject:** Fwd: Email to Mayor Darryl Walker | City of White Rock | Train Whistle Cessation  
**Date:** Monday, January 20, 2020 4:55:34 PM  
**Attachments:** [Whistlecessation-Sep2019.pdf](#)

---

Hi, I wanted to forward the information I received from White Rock mayor and council in consideration for applying for horn cessation in Lions Bay.  
Let me know your thoughts after reviewing the information.

Thanks

Don Shaw  
70 Sweetwater Place Lions Bay  
[REDACTED]

----- Forwarded message -----

**From:** Chris Magnus <[CMagnus@whiterockcity.ca](mailto:CMagnus@whiterockcity.ca)>  
**Date:** Mon, Jan 20, 2020 at 4:47 PM  
**Subject:** Email to Mayor Darryl Walker | City of White Rock | Train Whistle Cessation  
**To:** DS Shaw [REDACTED]

Good afternoon Don. On behalf of Mayor Walker, we acknowledge your email inquiry regarding the City of White Rock's recent achievement in attaining train whistle cessation.

We have attached a copy of the City of White Rock's Corporate Report dated September 9, 2019 to Council that will provide you with a greater understanding of the steps undertaken by the City to achieve this through Transport Canada.

In addition, we are providing you with a link to the City of White Rock's website regarding whistle cessation: <https://www.whiterockcity.ca/CivicAlerts.aspx?AID=1619>

We trust that this is of assistance to you.

**CHRIS MAGNUS**

**Executive Assistant to Mayor and CAO, City of White Rock**

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2124 | [www.whiterockcity.ca](http://www.whiterockcity.ca)



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---

**From:** DS Shaw [REDACTED]  
**Sent:** January 18, 2020 6:18 PM  
**To:** Darryl Walker <[DWalker@whiterockcity.ca](mailto:DWalker@whiterockcity.ca)>  
**Subject:** Train horn cessation

*CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.*

Dear Mayor:

I am a resident of Lions Bay BC and have been trying to end the train horn for years.

We noticed that on the local news you have achieved this.

Kindly advise us how you achieved this goal and give details on how we could proceed here. I appreciate your assistance in this matter.

Sincerely Yours,

Don Shaw

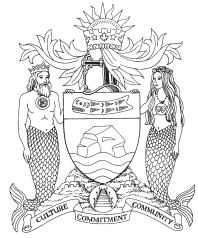
70 Sweetwater Place

Lions Bay BC

VON 2E0



THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
CORPORATE REPORT



**DATE:** September 9, 2019  
**TO:** Mayor and Council  
**FROM:** Jim Gordon, P.Eng., Director of Engineering and Municipal Operations  
**SUBJECT:** Whistle Cessation

---

**RECOMMENDATION**

THAT Council

1. Receive for information the corporate report dated September 9, 2019 from the Director of Engineering and Municipal Operations titled “Whistle Cessation”;
  2. Approve the resolution that “subject to the completion of any outstanding reconstruction deficiencies with the eight (8) pedestrian railway crossings in White Rock and subject to agreement that these crossings meet the Transport Canada Grade Crossing Regulations, be it resolved that the City agrees that train whistling shall not be used at these crossings”; and
  3. Direct that a notice be placed in the local newspaper and on the City website advising of the Council resolution to permit whistle cessation.
- 

**INTRODUCTION**

Residents expressed concern about the disturbance caused by train whistles from trains passing through White Rock on the Burlington Northern and Sante Fe (BNSF) railway. The City met with BNSF and Transport Canada and initiated a whistle cessation process.

Concurrent with the wish for whistle cessation was the requirement to meet Grade Crossing Regulations introduced by Transport Canada in November 2014. The deadline for meeting the new requirements is set as November 2021. The City applied for and received grant funding from Transport Canada and cost sharing from BNSF to assist with the cost of reconstruction of the eight (8) railway crossings in White Rock.

The eight railway crossings are now reconstructed with improved signage, crossing surface specifications, sightlines and warning systems. Subject to final inspections in late September and confirmation that safety issues previously noted by Transport Canada are addressed, an important step in the whistle cessation process is now completed.

This corporate report outlines the steps in the whistle cessation process and provides an estimated timeline for whistle cessation to be implemented.

**PAST PRACTICE / POLICY / LEGISLATION**

Transport Canada Grade Crossing Regulations (SOR/2014-275) and *Railway Safety Act*

**ANALYSIS****Whistle Cessation Process**

The detailed procedure for whistle cessation is outlined in Appendix 1. Following is a summary of the steps taken to date:

1. Citizen or community group expresses interest – The community expressed interest culminating in an Open House at the White Rock Museum in June 2017. There was overwhelming support for whistle cessation.
2. Municipality consults with the railway – There was extensive consultation with both the railway and Transport Canada resulting in the reconstruction of the eight (8) railway crossings in White Rock. In addition to meeting the new regulations, the new crossings address previous safety issues, thereby setting the stage for whistle cessation application.
3. Municipality Notifies the Public – This corporate report follows up the June 2017 Open House. A formal notice in the local paper is now appropriate.
4. Municipality and Railway Assess the Crossings – Staff, design consultants and BNSF worked together as the crossings were reconstructed. A final inspection of the crossings is scheduled for late September following completion of the Finlay crossing which is delayed in order to minimize disruption to local beach access. Given the collaborative and detailed design and construction process, it is expected that the crossings will meet the requirements for whistle cessation.
5. Municipality and Railway Agree the Crossings Meet Requirements – Subject to remediation of any deficiencies, both parties seem to be on the same page.
6. Municipality Passes a Resolution – Following is a suggested resolution “subject to the completion of any outstanding reconstruction deficiencies with the eight pedestrian railway crossings in White Rock and subject to agreement that these crossings meet the Transport Canada Grade Crossing Regulations, be it resolved that the City agrees that train whistling shall not be used at these crossings”.
7. Railway Confirms that Whistling has Stopped at the Eight Crossings (within 30 days) – Staff will follow up with BNSF.
8. Railway and Municipality Ensure Regulations are Met – Maintenance Agreement is in place.

Allowing time for deficiency remediation and confirmation of details with BNSF and Transport Canada, whistle cessation should be in place by end of the year.

**Coldicutt Ravine**

The City has an outstanding order from Transport Canada to close beach access through the Coldicutt Ravine and over the BNSF railway tracks. Although there have been discussions with BNSF and Semiahmoo First Nation (SFN) about installing a fence in the Ravine, there needs to be further work done to look at options as this is an archaeologically sensitive area. It is not clear as to whether a fence is possible in the Ravine itself; it may be necessary to close access at the top of the Ravine which would require consultation with the local community of Ravine users.

Whistle Cessation  
Page No. 3

The whistle cessation application does not include the Coldicutt Ravine or other nearby areas where people cross the railway tracks to access the beach. It is hoped that the whistle cessation application can be considered separately from the Coldicutt area. This would mean that there would still be whistling in the Coldicutt area but this would cease further to the east at Bay Street and continue again at the uncontrolled crossings on SFN land east of Finlay Street.

### **BUDGET IMPLICATIONS**

There may be undetermined budget implications for resolution of the access through the Coldicutt Ravine.

### **CONCLUSION**

The City is nearing the end of the whistle cessation process for the areas between Bay and Finlay Streets. It is anticipated that whistle cessation will be in place by the end of the year.

The issue of beach access across the railway tracks via the Coldicutt Ravine remains outstanding and requires further consultation and discussion with SFN, BNSF and the local community.


Respectfully submitted,



Jim Gordon,  
Director, Engineering and Municipal Operations

### **Comments from the Chief Administrative Officer:**

I concur with the recommendations of this corporate report.



Dan Bottrill  
Chief Administrative Officer

Appendix 1: “Apply to stop train whistling at a public grade crossing”

## APPENDIX ONE

# Apply to stop train whistling at a public grade crossing

From: [Transport Canada](#)

Train whistling is an important way to keep drivers, cyclists and pedestrians safe. The *Canadian Rail Operating Rules* require all trains to whistle whenever they approach a public grade crossing.

In some cases, train whistles bother people who live nearby. Municipalities may wish to stop the whistling to provide local residents with relief from the noise.

## On this page

- [What you need to do](#)
- [Detailed procedure](#)
- [Contact us](#)

## What you need to do

**If you're a resident** who wants to stop train whistling in your neighbourhood, contact your local municipality.

**If you work for a municipality** and are going ahead with a request to stop train whistling, you'll need to follow the numbered procedure below. It helps municipalities and railway companies collaborate to ensure grade crossings stay safe.

In brief, municipalities must:

- Consult with the railway company about whether the request is feasible
- Notify the public and others that it intends to stop the whistling
- Pass a municipal council resolution

## Detailed procedure

This procedure comes from:

- [section 23.1 of the \*Railway Safety Act\*](#)
- [section 104 of the \*Grade Crossings Regulations\*](#)
- [Appendix D of the \*Grade Crossings Standards\*](#)

This is the process:

1. **Citizen or community group expresses interest**  
The municipality receives a request to stop train whistling at a specific area (one crossing or multiple crossings) along a railway corridor.
2. **Municipality consults with railway company**  
To find out if the request is feasible, the municipality checks with the company that operates the railway line.
3. **Municipality notifies the public**  
The municipality:
  - o notifies [all relevant associations or organizations](#)
  - o issues a public notice, which says it intends to pass a resolution to stop train whistling at a railway crossing (or at multiple crossings in one area)
4. **Municipality and railway company assess the crossing(s)**  
This assessment determines whether or not the area meets whistling cessation requirements in section 104 of the *Grade Crossings Regulations* and Appendix D of the *Grade Crossings Standards*. The municipality and railway company may hire an engineer to help complete the assessment.
5. **Municipality and railway company agree the crossing(s) meet requirements**  
If the municipality and the railway company do not agree that the crossing(s) meet(s) these requirements, they should try to resolve the conflict.
  - o **5a. (optional): Municipality and railway request a final decision from Transport Canada**  
If the disagreement continues, they may send supporting documentation to [railsafety@tc.gc.ca](mailto:railsafety@tc.gc.ca) for assessment. Transport Canada's decision on the issue is final.
6. **Municipality passes a resolution**  
If it's decided that the crossing(s) meet(s) requirements, the municipality:
  - o must pass a resolution saying it agrees train whistling should not be used at the crossing(s)
  - o sends a copy of the resolution to the railway company and [all relevant associations or organizations](#), including Transport Canada's Rail Safety Directorate headquarters ([railsafety@tc.gc.ca](mailto:railsafety@tc.gc.ca))
7. **Railway company confirms whistling has stopped at the crossing(s) (within 30 days)**  
When they receive the resolution, the railway company must:
  - o issue special instructions to stop train whistling at the crossing(s)
  - o notify Transport Canada's Rail Safety Directorate ([railsafety@tc.gc.ca](mailto:railsafety@tc.gc.ca)) of the effective date of whistling cessation, with a copy of its special instructions
  - o notify the municipality and/or road authorities in writing of the whistling cessation, not later than 30 days after the day the whistling stops
8. **Municipality and railway company both ensure the right safety conditions are met**  
If the municipality and company do not maintain the crossing(s) according to requirements in the *Railway Safety Act* and *Grade Crossings Regulations*, a Transport Canada Rail Safety Inspector may order that train whistling start again.

**From:** [REDACTED]  
**To:** [Tanya Elchuk](mailto:Tanya.Elchuk)  
**Cc:** [Peter DeJong](mailto:Peter.DeJong); [Council ic.spectrumsurrey-surreyspectre.ic@canada.ca](mailto:Council_ic.spectrumsurrey-surreyspectre.ic@canada.ca)  
**Subject:** Re: LIONS BAY RESIDENTS OPPOSED TO THE HARVEY CREEK TOWER DEVELOPMENT (SBA BC70057 Lion's Bay)  
**Date:** Tuesday, January 14, 2020 11:37:20 PM  
**Attachments:** [REDACTED]

---

Hello all,

Apologies for my late response back for this. Christmas, school closures, broken laptops..... All were involved...

Please find attached my responses to the feedback contained in this email dated 17th Dec, 2019 relating to my original document Lions Bay Residents Opposed to Harvey Creek Tower Development Package\_06Dec2019.pdf

With regards,

Charlie Bradbury

Charlie Bradbury

---

On Dec 17, 2019, at 11:16, Tanya Elchuk <[TanyaElchuk@synergyland.ca](mailto:TanyaElchuk@synergyland.ca)> wrote:

Good morning,

Please find attached our response to the comments and concerns you submitted for consideration regarding the above noted project.

As per Innovation, Science and Economic Development (ISED) Canada's CPC 2-0-03: Radio Communications & Broadcasting Antenna Systems, you are entitled to 21 days from the date of the correspondence to reply however given the holiday falling within this period we are adding an extra 7 days to this timeline, for a total of 28 days. Closing date for acceptance of further response to this correspondence shall be end of day **Tuesday January 14, 2020**.

Thank-you again for your participation in this process.

**Tanya Elchuk**  
**SYNERGY Land Services Ltd.**  
d: 403-930-3309

---

**From:** Charlie Bradbury [REDACTED]  
**Sent:** December 6, 2019 8:11 PM  
**To:** Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>; Council <[council@lionsbay.ca](mailto:council@lionsbay.ca)>; Tanya Elchuk <[TanyaElchuk@synergyland.ca](mailto:TanyaElchuk@synergyland.ca)>; [ic.spectrumsurrey-surreyspectre.ic@canada.ca](mailto:ic.spectrumsurrey-surreyspectre.ic@canada.ca)  
**Subject:** LIONS BAY RESIDENTS OPPOSED TO THE HARVEY CREEK TOWER DEVELOPMENT

**- - This email has reached Synergy Land Services via an external source - -**

Exercise caution when clicking any links or opening any attachments.

Please accept the attached document.

Thanks

Charlie

<BC70057\_B\_Response\_Charlie Bradbury.pdf><Lions Bay Residents Opposed to Harvey Creek Tower Development Package\_06....pdf>

**From:** [Tanya Elchuk](#)  
**To:** [REDACTED]  
**Cc:** [Peter DeJong](#); [Council](#); [ic.spectrumsurrey-surreyspectre.ic@canada.ca](mailto:ic.spectrumsurrey-surreyspectre.ic@canada.ca)  
**Subject:** RE: LIONS BAY RESIDENTS OPPOSED TO THE HARVEY CREEK TOWER DEVELOPMENT (SBA BC70057 Lion's Bay)  
**Date:** Thursday, January 16, 2020 1:24:04 PM  
**Attachments:** [BC70057\\_B\\_Response\\_Charlie\\_Bradbury\\_Jan\\_16.pdf](#)

---

Good afternoon Charlie,

Please find attached our response to the feedback you provided on January 14, 2020.

For convenience I have compiled your feedback and our comments into one document for ease of reference.

Thank-you for your continued participation in this process.

**Tanya Elchuk**  
**SYNERGY Land Services Ltd.**  
d: 403-930-3309

---

**From:** Charlie Bradbury [REDACTED]  
**Sent:** January 15, 2020 12:37 AM  
**To:** Tanya Elchuk <[TanyaElchuk@synergyland.ca](mailto:TanyaElchuk@synergyland.ca)>  
**Cc:** Peter DeJong <[cao@lionsbay.ca](mailto:cao@lionsbay.ca)>; Council <[council@lionsbay.ca](mailto:council@lionsbay.ca)>; [ic.spectrumsurrey-surreyspectre.ic@canada.ca](mailto:ic.spectrumsurrey-surreyspectre.ic@canada.ca)  
**Subject:** Re: LIONS BAY RESIDENTS OPPOSED TO THE HARVEY CREEK TOWER DEVELOPMENT (SBA BC70057 Lion's Bay)

**- - This email has reached Synergy Land Services via an external source - -**

Exercise caution when clicking any links or opening any attachments.

Hello all,

Apologies for my late response back for this. Christmas, school closures, broken laptops..... All were involved...

Please find attached my responses to the feedback contained in this email dated 17th Dec, 2019 relating to my original document Lions Bay Residents Opposed to Harvey Creek Tower Development Package\_06Dec2019.pdf

With regards,

Charlie Bradbury



January 16, 2020

Via Email: [REDACTED]

To: Charlie Bradbury

Re: Proposed SBA Canada, ULC Telecommunications Facility - Response to Comments/Concerns Submitted with Respect to Proposed Project

Location: A portion of the Municipality-owned Lands above the Harvey Creek Water Treatment Plant in the Village of Lions Bay, BC

SBA File: BC70057-B

---

Thank you for taking part in the public consultation process for the above noted project.

We would like to take the opportunity to respond to your feedback. Please see our responses in below in blue.

---

**1. Need for Tower, Coverage Issues, & Village of Lions Bay' Official Community Plan Criteria (OCP):**

*"It has long been identified that cellular reception is poor in many areas of the Village of Lions Bay..."*

Where has this been identified, and by what means?

According to my survey, there seems to be poor reception in **some** areas of the Village with 34 out of 52 respondents seemingly contented with their service. Was it perhaps that the dissatisfied consumers were more vocal than those that were satisfied?

Without any meaningful research, how can SBA ensure that the citizens who currently have a less than perfect reception due to topographical/provider issues will be the ones that benefit from the tower's proposed placement? SBA stated that the proposed placement was based on suggestions from the Village and not on any community feedback or practical research.

We are advised by the Municipality that there has long been a multitude of cellular service coverage issues throughout the Village and that this has affected residents and Village operational efficiencies in many ways and in many parts of the Village. It would appear that a full third of the persons who signed the Petition are not satisfied with their service coverage. In addition to the example noted in item 6 below, it has been established that wireless signal strength is poor around the central Municipal complex, with ramifications to daily and emergency services. Pay parking meters at the beach parks and the top of Sunset Drive regularly have connectivity issues which frustrate patrons of those areas and lead to administrative expense and loss of revenue. Similarly, potential future services such as pay per use electric vehicle charging stations will experience the same issues without improved connectivity. These issues will only be exacerbated without improved wireless infrastructure as use of wireless technologies continues to grow.

**2. "The SBA proposal will limit community impacts by promoting shared space on the tower (co-location) for multiple wireless services providers."**

Will 'promoting' be sufficient?

I would imagine the community would be more confident if we were **insisting upon** co-location between the multiple wireless service providers.

The federal government already insists upon co-location efforts between carriers to avoid multiple, single use towers. Innovation, Science & Economic Development Canada (ISED) requires that proponents first consider sharing existing antenna systems where possible. Placing a tower at this proposed location will oblige potential carriers interested in the area to explore the option of placement on this tower. Designing the tower to support multiple carriers will further hamper their ability to support reasoning as to why they should be allowed their own structure.



### 3. Watershed Stewardship:

Please detail how space on a cell tower will aid the UBC Watershed Research Project.

The Municipality provided the following: "The UBC Watershed Study is an important opportunity for the Village to engage in strategic water supply planning via a long-term hydrology study in cooperation with UBC. Automated collection and cellular transmission of data back to UBC is part of the intended Village Equipment on the tower and is part of the Municipality's intended "in kind" contribution to the project. The lower impact methodology would involve having students access the monitoring equipment in situ and downloading data to a local device. This is time consuming and labor intensive, not to mention that it increases the possibility of error / data loss from inexperienced students trying to retrieve data. Without the data, there is no UBC watershed study – the data is what drive their models of the water system and allows for 'ground truthing' of the model's results."

### 4. Strengthening Community:

"Improvements to technology provide more opportunities for residents to work from home via telecommuting and improve their connectivity to each other on social networks."

Social Media leads to depression and isolation, not stronger community. [Harvard Medical School](#)

We are a telecommuting family and rarely, if ever, experience communication issues.

How an individual, family, or business chooses to engage social media is personal preference. Providing improved access to it is our objective. Social Media can be useful tool by providing instant news alerts, breaking stories, traffic issues, sending safety messages, and increasing marketing exposure. Nowadays, business is not just confined to the office. Therefore it is important to have excellent mobile coverage across the board, regardless of whether you are on the move or stationary. The objective of the proposed tower is to service the community by delivering improved coverage and providing diversity with respect to cellular providers in the area.

### 5. Ensuring a Safe Community:

If LB Alert uses text messaging to operate, then service would only be improved for those who have the same carrier(s) as those which take on the tower. Please detail how this will help the community as a whole and not just those particular cell phone customers.

Lion's Bay Alert is only one of many ways to communicate emergencies in the area. It is specifically targeted for use by area residents. Short term visitors are not as likely to be signed up. It's also only a "one way" form of communication meant to inform of emergencies that could impact you or your family. Those visiting the area using signal from various carriers may rely on local media outlets and 911 alerts to obtain the same information. Furthermore, parties in distress will require reliable coverage to be able to communicate their need for help whether it's to 911, or even a neighbour. Feedback from Lions Bay first responders collected in response to this proposed tower, supports the need for improved services and strengthened communication in emergency situations.

Enhanced coverage from just one service provider can improve the odds of a cellular caller connecting with 911. Any cell phone with a signal can call 911, even if it's not activated. Any operational mobile phone with a signal can call 911, even if it's not associated with any carrier or network.

### 6. Providing effective services:

Wouldn't any communication issues among Public Works be more efficiently/inexpensively resolved with the purchase of a good two-way radio system?

That may be one possible solution, however Public Works not only needs to be reliably connected internally, but reliably connected externally to supporting parties to operate effectively. For this reason is important to keep up with technological advances in the area of communication. As well, the Municipality's water and other infrastructure is programmed via SCADA networks to communicate remotely with Public Works staff cellular devices so improved connectivity is important to the operational requirements of the Village.

## 7. Visual Aesthetics, Potential Tenants & Equipment on Tower

*"An artist rendering of the proposed project was provided to give the community a general idea of the infrastructure imagined into the environment, and for clarity, each simulated image was marked with the comment "Artist Rendering Only, Installation of final project may not be exactly as shown".*" All my observations were based on the information provided at the Open House, this caption was not present/obvious on those displayed images. Referring to my original point that the artist rendering does not include much of the apparatus necessary to make it function and is therefore inaccurate, I do not accept that until the tenant takes possession of the tower that their equipment needs remain undetermined. The carriers know they will need the network connectivity, be it with either fibre or microwave dishes, so they simply need to decide which they intend to pay for. Erring on the side of caution from an illustrative perspective, any image rendering should include the essential hardware that will make the tower functional. For this tower to serve the majority of the community it would need at least three providers; Rogers, Telus and Bell. A more accurate depiction of the final tower would include at the very least three dishes on a surveyed, camera accurate and topographically correct image with an explanatory caption stating that not all dishes may be required. How can a community – that exalts in the magnificence of the mountains - sign off on a permanent and significant vista change without first being issued with an accurate portrayal of the final aspect? It's like approving a house design from the CAD render of only the framework, it just wouldn't happen.

It is impossible at this time to provide an accurate description of the equipment that will be on the tower. Many reviews will be necessary by each prospective tenant before determining their needs; all of which will be influenced by what equipment is placed on the tower before their own. Some examples of such reviews include (but are not limited to):

- Radio Frequency and Transmission studies that will determine best positioning and number of antenna needed to provide optimal coverage
- Equipment types so as not to interfere with another tenant's signal
- Structure Analysis of the tower itself to determine load capabilities as equipment is added

The image displayed at the open house is the same as within the information package and included the disclaimer as to artist rendering only. It is a photo simulation intended to show the location of the proposed tower. A generic typical tower painted green was inserted to aid with the visuals. It represents the typical self-support tower built in Municipalities across Canada.

We maintain that we are committed to ensuring reasonable efforts to integrate the tower into the existing surroundings so as to minimize the visual impact have been incorporated into the proposed tower design.

## 8. Location / Rental Income

The proposed location for this commercial installation is in an OS1 zoned area:

The stated permitted uses for OS-1 zoned land are as follows.

### OS-1 (Open Space Areas) Permitted Uses

16.1 In an OS-1 zone the following uses and no others shall be permitted:

- .1 Principal Uses, Buildings and Structures
  - (a) community watershed management for protection of domestic water supplies;
  - (b) natural areas;
  - (c) recreation trails, including signage;
  - (d) fire department training facility.
- .2 Secondary Uses, Buildings and Structures
  - (a) parking areas.

This land is simply not zoned for any commercial enterprises. For the project to continue it would necessitate a public consultation and rezoning of these lands to adhere with the bylaw.

The Municipality has provided the following:

With respect to zoning, the proposed use is a permitted infrastructure use under the terms of the zoning bylaw.

## Uses Permitted in All Zones

4.2 The following *uses* and *structures* are permitted in all zones:

- .1 *Principal Uses, Buildings and Structures*
  - (a) community garden;
  - (b) *environmental conservation* activities;
  - (c) parks, playgrounds and recreational trails;
  - (d) *infrastructure use*;

*Infrastructure use* means a *use* providing for the servicing of all or a portion of the *Municipality* with community water or sewer systems (including pump houses and sewage treatment plants), storm drainage systems, roads, community gas, electrical, telephone, broadcast transmission and similar public service facilities and equipment where such *use* is established by the *Municipality*, by another governmental body or by a company operating under a license or permit issued by a Provincial or Federal regulatory authority, and includes *public works yard*, maintenance *buildings* and offices.

## 9. Health and Safety, and 5G.

As 5G is an entirely new technology it lacks any long-term research supporting it as a perfectly benign technology. Until we have such research, my and many fellow citizen's concerns about the risks associated with the exposure of living in close proximity to a 5G tower will persist.

As stated in our original response, concerns have been noted regarding this project with respect to proximity of the proposed telecommunication tower to the community and the perceived health risks that would be potentially visited on area residents.

There are no established health risks from the radiofrequency waves used in 5G networks in accordance with applicable safety standards. This includes Health Canada's existing Safety Code 6 Radio Frequency Exposure Guidelines.

Health Canada does not consider cell towers dangerous to the public, including groups typically more sensitive to environmental agents (young children, elderly). The limits set out in Health Canada's Safety Code 6 are designed to protect people, of all ages and sizes, from all forms of exposure to RF energy, including continuous exposure (24 hours a day, seven days a week).

Innovation, Science and Economic Development Canada ("ISED" formerly Industry Canada) requires that all antenna systems meet Health Canada's limits on the amount of RF energy that can be present in areas to which the public has access. Once antenna installations are built, operators need to ensure their installations comply with the Canadian limits at all times as a condition of their licence.

## 10. Property Values.

"...In fact, there is the same likelihood that property values can increase in a given area due to better wireless connectivity and the growing demand for "smart" technology."

Can you please provide your sources for this fact? Today I called five local realtors from West Vancouver, North Vancouver and Deep Cove and asked them this same question.

"In your experience, does a cell tower near a house have a negative or positive effect on the property's value?" Bar one realtor, who was reluctant to give a definitive answer either way, the general consensus was, and I quote, "*that it would not be considered a positive for resale*".

While we respect the value of one's property is important, determining that value is dependent on many varying influences. Due to the ever changing nature of these variables, no definite link between telecommunication towers and decreasing property values can be established. It is even for this reason that ISED's CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems Guidelines for Public Consultation for Antenna Systems states that one of the concerns not considered relevant for consideration are the potential effects that a proposed antenna system will have on property values or municipal taxes.

## 11. The Petition.

Currently, according to online petition I set up in December, the number of Lions Bay Citizens that are against this tower number 71. I believe this now represents over 10% of Lions Bay's households. Here are a few of the comments:

*Why would cell phone reception or small monetary gain be more important than the health of our families, and the health and wellness of our wildlife?*

*There is enough evidence available to make a no thanks decision probably the safest bet. Please, no tower.*

*The Science is there - this is not work the health risk. I lived in an area where power lines were abundant, so were brain tumors in children under 9... so was breast cancer ... not going to take a chance on an un managed cash grab.*

*Once it's in, it will take forever to prove it as harmful.*

*I'm against a cell tower for both aesthetic and health reasons.*

*This tower would be a blight on the beauty & serenity of Lions Bay.*

*I would definitely like better cell service. However, not at the risk of our health and animals living in the area.*

### Questions that Remain Unanswered.

- Does the Council truly believe that a commercial tower installation fulfills their commitment of 'Preservation and protection of our green spaces critical for the future of Lions Bay?' per Sec. 4.2, Bylaw #408, 2008.
- Does the Council truly believe that a commercial tower installation fulfills their commitment of 'Maintaining lands in their natural form to protect Village safety and managed with an eye on good stewardship'? per Sec. 5.10, Bylaw #408, 2008.
- As the lands are not zoned for commercial enterprises, was it Council's intention to carry out a public consultation to amend the zoning of these lands to adhere with the bylaw # 520, 2017?

The points that still need consideration before this project could possibly proceed are:

The need for research concerning placement to ensure substantial cell service improvement throughout the village.

- Cell phone provider commitment in principal prior to final approval.
- Survey and camera accurate tower and mountain image renderings showing all the necessary hardware to be community reviewed and approved before final approval.
- Community approval on the permanent change to our incomparable and unique vistas.
- The inevitable reduction in house values and how they will be compensated.
- The possible long-term possible health risks and undeniable EMF exposure.
- The Official Community Plan vehemently forbids any development of these spaces.
- The Zoning Bylaw does not permit it.

[As we have addressed the concerns noted from the petition within and the remaining comments are directed to Council, we will not remark further, however we will reinforce that the community's feedback is important to us and your comments collected, along with those included in your petition, will be submitted to the Municipality for consideration.](#)

Regards,

**Synergy Land Services Ltd.**  
**On behalf of SBA Canada, ULC**



**Tanya Elchuk**  
Team Lead, Telecommunications  
Site Acquisition Specialist

General information regarding telecommunications systems is available on Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications website (<http://strategis.ic.gc.ca/antenna>).

## Contacts

### 1. SBA Canada, ULC

c/o: Synergy Land Services Ltd.  
Tanya Elchuk – Team Lead, Telecommunications  
Site Acquisition Specialist  
200, 2710 17<sup>th</sup> Avenue SE  
Calgary, AB T2A 0P6  
Phone: (403) 283-4400  
Direct: 403-930-3309  
Fax: (403) 283-8318  
E-mail: [TanyaElchuk@synergyland.ca](mailto:TanyaElchuk@synergyland.ca)

### 2. Innovation, Science and Economic Development Canada – Spectrum Management Lower Mainland District Office

13401 – 108 Avenue, Suite 1700  
Surrey BC V3T 5V6  
Phone: (604) 586-2521  
Fax: (604) 586-2528  
Email: [ic.spectrumsurrey-surreyspectre.ic@canada.ca](mailto:ic.spectrumsurrey-surreyspectre.ic@canada.ca)

### 3. Village of Lions Bay

Peter DeJong, BA, LLB, CRM  
Chief Administrative Officer  
Phone: (604) 921-9333  
Fax: (604) 921-6643  
Email: [cao@lionsbay.ca](mailto:cao@lionsbay.ca)

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# **ON-TABLE ITEMS**

From: [REDACTED]  
To: Council Municipal Public Works Dave Butler  
Cc: [REDACTED]  
Subject: another fallen Municipal tree branch on to private property - 52 Brunswick  
Date: Saturday, January 25, 2020 8:03:32 PM

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For Council's immediate attention:

Your significant tree has dropped another significantly sized branch on to our outdoor living space - see photos below. While this branch is not as large or as heavy as the first, it proves that our deck and home are a direct target for your old wind blown fir trees when their huge branches fail.

The day before this big branch fell, we sent you photos of another massive rotten fallen scaffold branch that landed on the deck as well. It must weigh about 150 lbs and it took two men to move it! Still awaiting your response on that email, it has been over a week now.

Again, we ask you to immediately remove your branches and tree debris from our property.

We can legally seek to recover losses or damages resulting from fallen trees or branches, but what we really seek is for Council to uphold their duty of care to public safety and prevent the worse from even happening! Insurance will cover the costs to repair any damage, but we are terrified of the serious injury or death that 150 lb branches are capable of inflicting. Management and continuous monitoring of such old hazardous trees that are situated too close to a private home and proving to be problematic seems like it should weigh heavily on Councils conscience.

Please take adequate measures to mitigate the risks as there is reasonable likelihood that more branches will fail. Only removing the trees will eliminate all risks.

Nicole and Carl Lund









Sent from my iPhone

**From:** [REDACTED]  
**To:** [Council; Municipal](#)  
**Cc:** [REDACTED]  
**Subject:** Fwd: Please include my letter in the agenda for the Council meeting on Jan 28, 2020  
**Date:** Sunday, January 26, 2020 12:55:51 AM

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>

> To Council,

>

> My name is Noah Lund and I was excited to move in to my new home at Brunswick Beach, but now I'm scared to because of the Villages huge old trees dangerously hanging over my house, especially my bedroom, and recently dropping two enormous branches right on to it! My parents have done everything to try to protect our new home and family from your risky trees. They offered to pay to remove or prune them, but you refused to allow them. They alerted you to the risks outlined in their Arborists reports and you have done nothing. They asked for written clarity of the root protection zone, and you did not respond. They just sent you pictures of a massive 150 lb branch that fell right on to our upper deck which totally proves their concerns, but again, no response. They asked you to remove your branches from our property, and they are still lying there. I've never written a letter to Government before and as a sporty 14 year old I'd rather be playing basketball or hanging with my friends than writing this, so I hope my efforts to ask you to start responding and to do your jobs do not fall on deaf ears. What are you doing about these trees?

>

> We have friends in Lions Bay who's homes have been destroyed by trees falling on them. My Math teacher just had a Municipal tree fall on her car that was parked in her driveway and it crushed her car. With two huge branches from your trees falling on to our outdoor living space and your middle trees huge top blowing right off in a storm, what more proof do you need that your trees can and will fail? Can you see why I am scared? I thought Government was supposed to protect people and property, not just trees!

>

> Not only are your trees a danger but the old white stairwell that goes through your trees is extremely dangerous. The railings and stairs are rotten and broken in areas. The neighbour responsible for maintaining the stairs isn't doing it and the stairwell is mainly on Municipal land so you should be doing something about it. The stairwell shouldn't be repaired because it is too old and rotten and building a new one in it's place would disturb your trees roots making your trees even more of a danger. The unsafe stairwell should be removed and not replaced. Someone could easily hurt themselves on it and then the Village could get sued, or one of your branches could fall on them while they are on the stairs! Double the danger! What will you do about the unsafe stairwell?

>

> My other big concern is for my dog Roxy. She is a tiny miniature pinscher. If you don't remove your trees or prune all the branches that are so very close to our deck, then owls and eagles will nest or perch in your trees and they will swoop down to try to take my dog and eat her. She is only 8lbs and would be an easy sneak attack snack for them!

>

> I hope you will not just look at Arborists reports, but actually look up at your trees and how close they are to our new house and then look down at all of the dangerous fallen debris and use your common sense. If you prune all of your branches hanging right over my house then your tree will just look ugly and be heavy on one side. I just think that you should cut your risky trees down. It's not like there is a shortage of trees in Lions Bay. I find it weird that the people in Lions Bay who want to protect these trees are the same ones who have stacks of cut down trees in their yards that they use as firewood. It is not environmentally friendly if your branches keep falling on our house causing damage that we have to repair or replace, then it's just more stuff going in to land fills. If you really wanted to be environmentally friendly and protect these trees then why did you not make the property a park?

>

> So please really think about dealing with your trees and the stairs and do your best job to protect me, my family, my dog, my house and yard, the people working on my home, my neighbours, our guests, and the public from any preventable and obvious problems that can happen because of them. I hope that you will do something soon before something happens and before I move in to my new house so I can enjoy it and not be scared to live there and hang out in my yard and on the beach.

>  
> Thank you,  
>  
> Noah Lund  
>  
>

**From:** [Lions Bay Reception](#)  
**To:** [Lions Bay Reception](#)  
**Subject:** FW: 52 brunswick beach road municipal trees and stairwell safety concerns  
**Date:** Tuesday, January 28, 2020 12:00:25 PM

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**From:** Inikki [REDACTED]  
**Sent:** Sunday, January 26, 2020 11:03:22 PM  
**To:** Council <[council@lionsbay.ca](mailto:council@lionsbay.ca)>  
**Cc:** Nicole Lund [REDACTED] Alex Lund  
[REDACTED]  
**Subject:** 52 brunswick beach road municipal trees and stairwell safety concerns

To Council,

Hi, my name is Alex Lund, and I am writing to Council because I am soon to be a new resident in the small close-knit Village of Lions Bay, and I hope to feel well represented and safe in my new home at 52 Brunswick Beach Road.

Please seriously consider how the municipal fir trees can best be made safe. Over the years and just recently, very large branches have blown off in the wind, as well as the middle tree top, so these extreme examples of failure should strongly suggest to Council that there is an immediate need for preventative maintenance or removal of the trees.

If Council would also have the unsafe stairwell that leads to the beach removed so no one hurts themselves on it, that would be in the best interest of the fir trees and for everyones safety. I have cerebral palsy, so for me it is extra important that stairwells are safe for me to use, and I would expect them to be when they are located on municipal land.

I would like to feel protected thanks to my local elected government and move to in my new home knowing that Council made all of the necessary efforts within their powers to put safety first.

Thank you,

Alex Lund

**From:** [Lions Bay Reception](#)  
**To:** [Lions Bay Reception](#)  
**Subject:** FW: Letter of Support for N. & C. Lund of Brunswick Beach  
**Date:** Tuesday, January 28, 2020 12:00:04 PM

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**From:** Tanis Fritz [REDACTED]  
**Sent:** Sunday, January 26, 2020 7:23:20 PM  
**To:** Council <[council@lionsbay.ca](mailto:council@lionsbay.ca)>  
**Subject:** Letter of Support for N. & C. Lund of Brunswick Beach

Attn. Council Members -

As a two time resident of Lions Bay and a residential realtor, I know how special Lions Bay is. The fabric of our Village is dedicated citizens and hard-working volunteers, who are passionate about our community.

In a small town such as Lions Bay, it is important to know our voices are heard and that residents come first.

Regarding the three fir trees located on Municipal land, bordering Nicole and Carl Lund's property in Brunswick Beach, I support the Lund's request that the Municipality remove or prune the trees. This is for the protection and safety of the residents, visitors, and workers on the property. The known potential risks are too dangerous.

Thank you for your consideration.

Sincerely,  
Tanis Fritz  
360 Bayview Road, Lions Bay

This communication is not intended to solicit existing listings or agency agreements. The information contained herein is deemed to be reliable but not guaranteed and should be verified to recipient's own satisfaction. This e-mail message may contain confidential information intended only for the use of the individual or entity named above. Any unauthorized use or disclosure is strictly prohibited.

**From:** [Lions Bay Reception](#)  
**To:** [Lions Bay Reception](#)  
**Subject:** FW: 52 Brunswick - neighbour support for our application for removal  
**Date:** Tuesday, January 28, 2020 1:50:31 PM

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**From:** ANDREA KLAS [REDACTED]  
**Sent:** Tuesday, January 28, 2020 8:31 AM  
**To:** Council <[council@lionsbay.ca](mailto:council@lionsbay.ca)>; Ron McLaughlin <[mayor.mclaughlin@lionsbay.ca](mailto:mayor.mclaughlin@lionsbay.ca)>  
**Cc:** Nicole Lund [REDACTED]  
**Subject:** Re: 52 Brunswick - neighbour support for our application for removal

Dear Council

As a tax payer I do not want to pay for the damage that eroding municipal trees have done to my neighbours 's homes . It is simple , if trees are a nuisance and dangerous to the surrounding residents they need to be removed .

Storms affect Brunswick the most . Trees are at risk of falling here more than any other area in Lions Bay . From all the photos the Linds have sent , I see the Village is not doing their due diligence to trim the trees that pose a risk to the Lunds' nor is the village doing their job to remove fallen debris around their home .

For some unknown reason you , the council have fought so hard to keep the trees that impose such a nuisance and safety risk for the Lunds .

The trees are a danger to the family and their home and they serve no other purpose except to cause havoc for this family .

As a Voting resident and taxpayer I want the Council to first have some respect for the residents that you serve and respond to the pleas of the Lund family by responding to their numerous emails and requests .Second, make the safety of Lions Bay residents more important that the safety of trees . I support the Lunds request to remove the trees .

Cheers,  
Andrea

Andrea Klas Fitness  
Seaside Gym TM  
"Workouts that make a difference " TM

On Jan 27, 2020, at 9:39 AM, Inikki [REDACTED] wrote:

Thx sweets! Sorry to be such a pain!

I would go to the media, but then we would have every f---cking tree hugger tying themselves to the firs to protect them.

Can't wait to see you and hear about down under and the Grammy's!

On Jan 27, 2020, at 9:32 AM, ANDREA KLAS [REDACTED] wrote:

Hey

I will do it today while I am in the airport .

I have been reading the letters

It is so sad. I think you might want to go to the Media /News !!

I was in the village office the other day and was talking to a couple the staff . I am going to forward this to [REDACTED] too .

Cheers,

Andrea

Andrea Klas Fitness

Seaside Gym TM

"Workouts that make a difference " TM

On Jan 25, 2020, at 12:15 PM, Inikki [REDACTED] wrote:

Hey Andrea,

We are desperate for support. Out of all the people I sent that email to begging for support - only a few sent in letters. The Council meeting is this Tuesday the 28th. If you could write a quick note and submit it asap, it all helps.

Here is Russ's letter from back in August. He wrote another short note of support that is included in next weeks meeting agenda.

Maybe you could include in your letter how your boys often boat over to the beach that these trees are located on. They pull their boat to shore and fish and swim. So it's not just to protect the Lunds, its to protect the Public! Your boys should be able to use this beach safely, without being in harms way of huge branches falling and damaging their boat or threatening their safety. I am having my boys write letters

too.

You could ask to see the Villages Arborist Report for these trees - being that they have been deemed significant trees by the Village, surely they would hire their own Arborist to monitor them and not just rely on the Lunds Reports. Ask what their risk tolerance for these trees is and their plan and budget for management of them should they not remove them.

You could also ask why they did not manage these trees properly prior to construction? The Village sold the property with zoning for development. They should have considered how these trees should best be managed to safely accommodate the new development and taken action prior to construction. Now that the home is framed, the costs for management or removal of the trees is substantially more expensive for the Village to incur. It would have saved Village tax payers for such costs had the Village accepted the Lunds application to remove these trees. This is extreme mismanagement of tax payers money and public safety. Imposing a Root Protection Zone only protects the trees, but now that Public safety is threatened by these trees, the Village has a duty to prevent such risks. The trees are a major liability for the Village and the risks should weigh heavily on their conscience should something happen.

Please add your two cents!

Thanks my dearest friend and biggest supporter!

---

**From:** "millenia" [REDACTED]  
**To:** "Lions Bay Reception" <[reception@lionsbay.ca](mailto:reception@lionsbay.ca)>, "dorothy millenia" [REDACTED]  
**Sent:** Tuesday, August 6, 2019 9:38:40 AM  
**Subject:** Re: Tree Committee

Good Morning Susan

Please pass along also our comments below

Members of the Lions Bay Tree Committee, re Tree removal application #52 Brunswick Beach

We are the owners and residents of 59 Brunswick. Dorothy has been on this property since 1958. Russ is a relative newcomer, having been here since 1981. In that time we have seen many changes, from clearing and tree removal, to tents, then cabins, and now permanent homes.

We are unable to attend the meeting tomorrow, but felt it important to weigh in on decisions and how and why they are being considered.

Our own recent experience with large trees on the waterfront have illustrated our concern with the dangers of falling and damage with our increasingly heavy and unpredictable winds.

These trees do present a threat and danger to property and life.

In the windstorm that saw the large blowdown in Stanley Park some years ago (apologies, do not recall the year), Our large cedar tree on the water had one of three extremely large trunks snap off in the wind. Thankfully it fell to the water side and we were lucky not to have lost our seawall in the process. We were in the house at the time and it was very scary. It could just have easily fallen on the house.

This last year, after the winter storms with the wind at Pam Rocks at 114km/hr (near Hurricane force 119 k/hr) we decided to remove the tree.

We asked the fallers to cut some slabs near the bottom to use as tables, but when they got there the middle of the tree was sawdust, and the trunk came out in pieces.

Needless to say we are happy with our decision.

Trees have a limited lifespan, especially on an exposed bank and separated from any supporting forest. Dorothy's brother, a retired RFP with the provincial government (Masters in Hydrology) spent his career performing field reviews and writing policy for the Ministry of Forests.

We have had many discussions about tree health, lifespan and potential dangers of trees at the end of their productive life.

As owners and residents of Lions Bay, we are very uncomfortable with us (the Village) assuming responsibility for a potential danger, threat of death, and the liability that presents.

Please consider the report from the Arborist outlining the health and potential danger from these trees.

Lastly we are very concerned that this issue has become some kind of an "us and them" issue. Them being ones who would seek unwelcome change.


This is contrary to our experience and hope for the nature of our community.

Change is good and inevitable.

We have met Carl and Nicole several times and look forward to having them as neighbours

We hope you will seriously consider their application

Respectfully  
Dorothy and Russ Meiklejohn  
59 Brunswick

**From:**   
**To:** [Council; Municipal](#)  
**Subject:** Invoice for fallen municipal tree clean up  
**Date:** Sunday, January 26, 2020 1:02:46 AM  
**Attachments:** [img20200125\\_19391516.pdf](#)

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Attention Council:

Please see the attached invoice for labour to remove the two huge heavy branches off of our deck and to sweep the large amount of tree debris from our deck, main floor interior, and second floor due to the municipal fir trees that precariously hang over our construction site. To inspect for possible damage, numerous pieces of protective plywood had to be lifted and replaced as well as the protective plastic that is on our newly constructed concrete deck.

We are of the opinion, as well as our Builder and the framing crew, that had there have been railing installed on our deck and windows, there would have been significant damage to both from your fallen tree branches and debris, and that the impact would most likely have cracked the concrete deck had it not been protected with ply as it is still under construction.

Please remove your large pile of branches from our property and pay the attached invoice. We hold the Village liable for the risks these trees pose, the damage they cause, and the mess they make.

Carl and Nicole Lund

Payable to: Carl and Nicole Lund

52 Brunswick Beach

Co:

5747 Telegraph Trail

West Vancouver. V7W 1R3

INVOICE 101

JAN 25, 2020.

BILL TO

SHIP TO

SITE ADDRESS

The Village of Lions Bay  
400 Centre road  
Lions Bay bc  
V0N 2E0

Same as recipient

52 Brunswick Beach

QUANTITY

DESCRIPTION

UNIT PRICE

TOTAL

Site : 52 Brunswick Beach

Date: Jan 17/18

Removal of large rotten fir branches from  
Village trees that landed on private home at  
52 Brunswick Beach.

Sweep area clear and inspect for damages to  
deck and wall structures.

5 hrs @ \$65/hr

\$325.00

Payable on receipt

Minutes of the Tree Committee meeting

May 31<sup>st</sup>, 2019 – Revised on July 15<sup>th</sup>, 2019

On-site @ 52 Brunswick Beach Road – #94

In attendance; Chair, Jay Barber, Jim Cannell and Mike Jury

1. The meeting was called to order at 09:01 am.
2. Jay Barber was appointed Recorder for the meeting.
3. The Agenda was approved unanimously.
4. Public Participation –
  - o Carl and Nikki – owners of #52 Brunswick
  - o Anne-Marie Gates - owners #51 Brunswick
  - o Mike Wilson – owners of #49 Brunswick
  - o Norman and Harley Pellow - owners #6 Brunswick
  - o Stephanie Lawton - owners #55 Brunswick
5. The minutes from the previous meeting on May 9<sup>th</sup>, 2019 were approved unanimously.
6. Old Business; None.
7. New Business

Tree Application #94 – 52 Brunswick beach Road - moved by Mike Jury; Seconded by Jay Barber, that:

- a) *A very contentious meeting with spirited discussion between neighbour with varying opinions*
  - b) *Considerations to council that have not been address:*
    - *Does Fisheries and Oceans have jurisdiction?*
    - *If trees remain, long term cost for “routine maintenance” falls on village based on bylaw 3.4.4*
    - *What is Village Liability if application is declined and trees remain and fall or injure?*
    - *If trees remain and house built, foundation will encroach drip line and impact root system making them a safety hazard long term*
    - *Build will change drainage may dry out root system creating safety risk*
    - *Consider 3<sup>d</sup> certified Arborist consult to climb trees to asses further*
    - *Cost to remove trees after house built would be much more difficult and expensive*
    - *Owners may not **build solar heating system** if the trees remain. Tax implications?*
  - c) *Additional Public Feedback*
    - Carl and Nikki – owners of #52 Brunswick
    - Safety risk
    - Need light to power solar
    - Long term risk if trees remain
    - Removal of three trees was only subject at the time of purchase – **the village advised that this subject never existed within the purchase documents**
    - Changing winds and tides
    - Lack of Village maintenance contributed to current instability
    - Agreed to bear the cost replacing staircase and stabilizing bank
    - Anne-Marie Gates - owners #51 Brunswick
    - If removed, staircase would need to be replaced but at who's cost?
    - Considering moving in a few years.
    - Mike Wilson –of #49 Brunswick
      - i. Agreed middle tree should go
8. Adjournment; - The meeting adjourned at 9:42 am.

Jay Barber

Recorder



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Type	Request for Decision		
Title	Tree Application #94 – 52 Brunswick Beach Road		
Author	Peter DeJong	Reviewed By:	
Date	June 3, 2019	Version	
Issued for	June 4, 2019		

**Recommendation:**

(1) THAT Council reject the application to cut any of the subject three fir trees but allow some pruning of the cedar below the middle of the bank, per the recommendations of the staff horticulturalist, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit.

**Attachments:**

(1) See Agenda Materials at Item 8Di and Village of Lions Bay Trees, Views and Landscapes Bylaw No. 393, 2007, as amended.

**Key Information:**

As noted in the draft minutes of the Tree Committee meeting of May 31, 2019, the Committee posed the following questions for Council regarding this contentious application:

1. *Does Fisheries and Oceans have jurisdiction?*

Staff: Perhaps with respect to the applicants’ desire to dump boulders at the foot of the embankment, but not with respect to trees on Municipal Highway (i.e. the Esplanade)

2. *If trees remain, long term cost for “routine maintenance” falls on village based on bylaw 3.4.4.*

Staff: Any maintenance of trees on Municipal property throughout the Village is governed by Appendix E of the bylaw: **Subject to current budget and labour allocations**, trees will be pruned, **if it is found to be necessary**, by the Department of



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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Public Works, in conformity with standard arborist practice. Pruning may occur **for purposes of public safety**, road access, sign visibility or other concerns as defined by the manager of Public Works. Residents are asked to inform the Village if a tree dies or appears to be in poor health so that corrective action can be taken.

3. *What is Village Liability if application is declined and trees remain and fall or injure?*

Staff: None. The trees have not been found to be stressed or diseased by either of the arborists who examined them. There is nothing in either report (other than removal of ivy and a 50 year old cable) to suggest they are a risk to the applicants' planned home other than comments from one arborist as to their size. If size were the only determinant, then most trees on Municipal property ought to be cut down, which is clearly not Council policy.

4. *If trees remain and house built, foundation will encroach drip line and impact root system making them a safety hazard long term.*

Staff: As noted by the applicants' arborist, root protection zones should be established for these trees before new home construction begins on the lot. If the applicants do not take appropriate measures in this regard, they may increase their own hazard.

5. *Build will change drainage may dry out root system creating safety risk.*

Staff: Building drainage can be designed to feed the root systems of these trees.

6. *Consider 3rd certified Arborist consult to climb trees to asses further.*

Staff: Do not think this is necessary. Bylaw sets out values to be assigned to Ancient Growth trees and applicant has not shown the trees to be stressed or diseased.

7. *Cost to remove trees after house built would be much more difficult and expensive.*

Staff: This is likely true but it doesn't mean that the trees should be removed after the fact.

8. *Owners may not build if trees remain. Tax implications?*



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Staff: That would be entirely up to the owners/applicants. They were forewarned that any application to cut these trees down would not likely be well received. If removal of these trees is a deal breaker, they ought to have made approval a subject of their purchase. They did not. If they wish to sell as a result, that's up to them. The value of the land will be taxed in the interim as will any improvements by the applicants or a subsequent purchaser.

Further submissions by the applicants, noted by the Tree Committee, do not constitute "Additional Public Feedback". They are submissions by the applicants to further their objective in getting a tree cutting permit and are addressed as follows:

- a. safety risk – this has not been established. In fact, removal of the trees will cause voids in the bank from the decaying roots and, over time, will result in greater erosion and destabilization of the bank per the comments of the staff horticulturalist.
- b. need light to power solar – placement of solar panels can be designed to take advantage of the clear and unobstructed eastern and southern exposures, especially when the applicants remove the cedar on their property adjacent to 51 Brunswick.
- c. long term risk if trees remain – this has not been established and, in fact, the applicant's reference to climate change articles only serves to strengthen the need to retain the trees and their root systems to continue to stabilize the bank. If they wish to contract with a barge operator for the placement of boulders at the foot of the bank, that's up to them and would not involve the Municipality.
- d. removal of trees was only subject at time of purchase – not true, there were no such subjects in their offer at all.
- e. changing winds and tides – as noted by the staff horticulturalist, we saw high winds from three different directions this past winter and the trees did fine. Most damaging winds come from the southeast and would result in trees falling on the beach (as happened to the top of the middle tree).
- f. lack of Village maintenance contributed to current instability – as previously noted, the Municipality's maintenance of trees is subject to budget availability and it has no



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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obligation to tend to pruning of trees unless there is a clear danger to health and safety, which there has not been with these trees.

- g. agreed to bear cost of replacing staircase and stabilizing bank – there is no information pertaining to how they would stabilize the bank, other than by placing boulders at the foot of it, which is up to them regardless. The root systems of the trees is the best stabilizer of the embankment.

There is no mention in the minutes of pruning to be done to the previously topped cedar growing out of the middle of the underside of the embankment. Staff assessed this tree, or what remains of it, and recommended further pruning to remove leaders but not too much such that it would kill the tree.

### **Options:**

(1) Reject the application to cut any of the 3 fir trees but allow some pruning of the cedar below the middle of the bank, per the recommendations of the staff horticulturalist, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit;

(2) Allow the middle fir tree to be cut down, along with the under bank cedar, but not the other two fir trees, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit;

(3) Allow two, or alternatively all three, of the fir trees to be cut down, along with the under bank cedar, with all debris to be removed, and require the applicant to provide a root protection plan by a certified arborist prior to the issuance of a building permit if any of the trees are to remain standing;

(4) Request that the applicant pay for a 3<sup>rd</sup> assessment of the subject fir trees by an arborist satisfactory to staff, with a view to establishing the health of and a risk rating for each of the fir trees, assuming the agreed requirement to remove the ivy and metal cable/plate as applicable;

(5) Alternatively, as Council may deem appropriate.



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

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**Preferred Option:** Option 1 is the preferred option from staff's perspective. If the values set out in the Tree Bylaw in respect of Significant, and in this case Ancient, Trees, are to be upheld, then absent any indication that these trees are diseased or a danger to the public, other than by their size alone, Council ought to deny the application.

**Financial Considerations:** An assessment of the trees by a 3<sup>rd</sup> arborist is likely to cost upwards of \$500, possibly quite a bit more. With no indication of disease by either of the first two arborists, any such costs ought to be borne by the applicants, if they are to be provided the opportunity for another opinion.

**Legal Considerations:** Staff is of the opinion that the Municipality is on solid legal footing with the recommended option.

**Follow Up Action:** Per Council direction.

**Communication Plan:** Advise the applicants, and the neighbours who participated in the process, of the outcome.

Minutes of the Tree Committee meeting

August 7<sup>th</sup>, 2019

On-site @ 52 Brunswick Beach Road – #94

In attendance; Chair, Simon Waterson, Ron McLaughlin, Jay Barber, Jim Cannell and Mike Jury

1. **Call to order:** The meeting was called to order at 11:03 am
2. **Appointment of a Recorder:** Simon Waterson was appointed Recorder for the meeting, with Ron McLaughlin steering the meeting thru the Chair
3. **Approval of the Agenda:** The Agenda was approved unanimously
4. **Public Participation:**
  - o Nikki & Carl Lund – owners of #52 Brunswick
  - o Anne-Marie Gates – owner #51 Brunswick
  - o Mike Wilson – owner of #49 Brunswick
  - o David Hughes – Contractor/Builder
  - o Jane Moloughney
  - o Ron Innes
  - o Stew McLean – renter neighbour
  - o Valori McKay
  - o John Peterson, Nikki Lund's father
5. **Approval of Minutes:** The minutes from the previous meeting on May 31<sup>st</sup>, 2019 were approved unanimously, with three changes to be made. 1. Insert "Lund after Carl and Nikki 2. Change Norm and Harley Pellow to "renter" and not owner 3. Mrs. Lund stated that the CAO had not put into the minutes that Mike Wilson said the middle tree should be removed. Mr. Wilson said it was in the minutes. In fact, it's in the minutes, so the point is mute
6. **Business arising from the minutes:** None
7. **Unfinished Business:**

*Before the next points could be discussed, Nikki & Carl Lund said the following: For the record, that the Lund's (applicants) were no longer prepared to pay for the removal of the trees. Carl Lund re-iterated this statement. The Lund's went on to say that they had requested a permit to cut the three trees and this was denied by the CAO. They would build according to the building permit issued. Going forward, if there is an issue with the root system, that would be a VoLB issue and not theirs. They would take legal action if need be.*

It was recommended by Ron McLaughlin, thru the Chair, that because the Lund's stated they won't pay for the removal of the trees, which was part of the application, that this was a material point and moved the application out of the Tree Committee's mandate to decide on points a), b) and c). The members unanimously confirmed Council's decision on the application.

- a) Tree application #94: 52 Brunswick Beach Road (page 5)
  - b) Tree application #94: 52 Brunswick Beach Road – Report to Council
  - c) Tree Committee Recommendation
8. **Old Business:** None
  9. **New Business:**
  10. **Correspondence:** A letter from the Meiklejohn's was submitted
  11. **Public Questions & Comments:**
    - a) **Annemarie Gates** – Asked, could it be that the view is the main objective of this exercise? She stated that she had banking concerns as a result of cutting the trees. She questioned the Lund's not being able to build their 4600 sqft home unless the trees were cut down

- b) **John Peterson** – Stated the money that the Lund's borrowed was costing them \$5,000 per month. He/the Lund's thought that Lions Bay would be an "easy place to get on with"
- c) **Mike Wilson** – Living in an environment amongst trees, has its own set of unique risks. He went onto say that we all live here because of the trees
- d) **Nikki Lund** – Stated that they requested a subject to allow the removal of the trees in the purchase agreement and the village CAO declined. He told her that she had to make an application and go thru the Tree Committee. She stated the village should have done their due diligence to show the risks, and if need be, hire a third arborist for opinion
- e) **Carl Lund** – Stated that they would go ahead with building and the village should be aware for the record of the risks by not cutting the trees. He mentioned that the steel and cables imbedded in one of the trees would be the cause of decay and not be as a result of building

After public comments were heard, once again, it was recommended by Ron McLaughlin, thru the Chair, that because the Lund's are stating they won't pay for the removal of the trees, this is out to the Tree Committee's mandate.

**12. Adjournment:** The meeting adjourned at 11:29 am.

Simon Waterson

Recorder