

VILLAGE OF LIONS BAY

On-Table Correspondence - July 28, 2020

General Correspondence:

G1: Ministry of Energy, Mines and Petroleum Resources - the Low Carbon Fuels Branch re Expression of Interest to the 2020 Part 3 Agreement Program

Resident Correspondence:

R1: B. Broughton re 61 Brunswick Beach Rd encroachment

R2: Lund re 61 Brunswick Beach Rd encroachment

R3: Klas re 61 Brunswick Beach Rd encroachment

R4: Leger re: Noise Bylaw exemption request

R5: Nelson re 35 Kelvin Grove Way

R6: Silzer re 61 Brunswick Beach Rd. encroachment

From: [Low Carbon Fuel Regulation EMPR:EX](#)
To: [Peter DeJong](#); [Lions Bay Office](#)
Cc: [Pam Rooke](#); [Naizam Jaffer](#)
Subject: RE: Village of Lions Bay: Expression of Interest
Date: Monday, July 27, 2020 3:49:14 PM

Dear Peter DeJong,

Thank you for submitting your Expression of Interest (EOI) to the 2020 Part 3 Agreement (P3A) program.

We regret to advise that your EOI submission was not selected to proceed to Phase 2 of the application process. The submission volume for the 2020 P3A program intake was greater than anticipated; we received 54 submissions requesting credits well over the amount that the Director may issue under Part 3 Agreements in the 2020 compliance period. Of the 54 submissions, 38 have been selected to proceed to the second phase of the application process.

Thank you for taking the time to apply to the P3A program.

Regards,

The Low Carbon Fuels Branch



Low Carbon Fuels Branch
Electricity and Alternative Energy Division
BC Ministry of Energy, Mines and Petroleum Resources
Email: lcfr@gov.bc.ca

This information is for your convenience and guidance only, and does not replace or constitute a legal interpretation of the legislation. The *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act* and the *Renewable and Low Carbon Fuel Requirements Regulation* can be found on the internet at: <http://www.bclaws.ca>.

From: Lions Bay Office <office@lionsbay.ca>
Sent: July 3, 2020 4:33 PM
To: Low Carbon Fuel Regulation EMPR:EX <lcfr@gov.bc.ca>
Cc: Peter DeJong <cao@lionsbay.ca>; Pam Rooke <finance@lionsbay.ca>; Naizam Jaffer <njaffer@lionsbay.ca>
Subject: Village of Lions Bay: Expression of Interest

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.

Greetings!

Attached is the Village of Lions Bay Expression of Interest for the 2020 Part 3 Agreement program.

Thank you,

Karla Duarte

Municipal Coordinator

The Village of Lions Bay

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

Tel: (604) 921-9333 | Fax: (604) 921-6643 | www.lionsbay.ca

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From: [Agenda](#)
To: [Lions Bay Office](#)
Subject: Multi-family in Lions Bay
Date: Tuesday, July 28, 2020 3:28:00 PM

From: Penny Nelson [REDACTED]
Sent: Sunday, July 26, 2020, 4:54 PM
To: Neville Abbott; Norman Barmeier; Jaime Cunliffe; Fred Bain; Ron McLaughlin
Subject: Multi-family in Lions Bay

Hello Council,

What very much came to the fore during the COVID-19 pandemic and the wood-burning appliance consultation is that our community sees itself, more than ever, as a small, rural community. People who live here do so, because Lions Bay is what it is. Many buy to get away from condos, crowds and traffic.

Rezoning the Kelvin Grove property is not just about a single lot. As someone commented recently, "It is about opening the floodgates".

The Village was established in order to avoid multi-family development and, with our 50th Anniversary in sight, the irony cannot be lost on those who have been forced to remind successive Councils that this level of densification is not in keeping with the wishes of the community.

Why re-introduce this discussion, especially at this particular time in history in the midst of a pandemic, if at all?

I am asking each of you to listen to the wishes of residents, which we have had to repeat far too many times. Please do not allow yourselves to be influenced by outsiders or what's happening in other, much larger, municipalities. That is simply not who we are.

Thanks as always for listening.

Penny

From: [REDACTED]
To: [Council; Agenda](#)
Subject: Brunswick Encroachment Agreements
Date: Tuesday, July 28, 2020 9:06:25 AM

Dear Council,

We are writing to you in complete support of Russ and Dorthy's Meiklejohn's ([REDACTED]) June 17th correspondence to Mayor and Council.

We are surprised to see staff supporting such approval for an encroachment agreement for 61 Brunswick to have a 9' extended deck over esplanade to accommodate a hot tub. Permitting the large deck and hot tub to encroach over Village land raises major liability concerns and noise bylaw issues, especially being that it is for a rental property.

The fact that the deck extension has already been built without any official approval from the Village and that staff defends such construction is also surprising.

We are pleased to see that Council will also be voting on our driveway encroachment as well (finally!). Please understand that it has been **four months** today since we applied for approval to construct our driveway and access stairs to our front door. Our very basic design and straight forward architectural landscape plans seem to have taken a long time for staff to review and bring forward to Council. As nice as a large deck and hot tub would be for a rental property, the very necessary construction of our driveway and safe passage in to our forever family home seems like a far more important consideration for staff and Council to be regarding.

Heres to hoping driveways take priority over hot tubs!

Best regards,
The Lund Family
[REDACTED]

From: [Ron McLaughlin](#)
To: [REDACTED]
Cc: [Peter DeJong](#); [Agenda](#)
Subject: Re: #61 Hot Tub and Patio Encroachment to be read before by Council before Meeting Tonight
Date: Tuesday, July 28, 2020 3:46:53 PM

Thank you Andrea. Your item will be in tonight's correspondence and moved with others to the front of the agenda.

Karla, please place the item on table and if I have my record keeping right it will be 11 C.

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

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From: Andrea Klas [REDACTED]
Sent: Tuesday, July 28, 2020 3:43 PM
To: Council <council@lionsbay.ca>
Cc: Russ Meiklejohn [REDACTED]
Subject: #61 Hot Tub and Patio Encroachment to be read before by Council before Meeting Tonight

Dear Council,

I want to give my support to Russ Meiklejohn in opposition to approving #61 's 9ft Encroachment for a Hot tub. Russ's concern is that it will infringe on their privacy. More importantly it is a highly priced rental property and with rental properties, there is not the same respect for neighbours when it comes to noise pollution. We are a community and the taxpaying residents who live here and call Brunswick Beach their home, must come first.

In the Fall of 2019 we started to build our hot tub on the water side of our property. The building inspector noticed the location of the hot tub and shut us down mid project because we were encroaching 4ft into the esplanade . Our original house plans showed that we were not encroaching but after looking at our plans we noticed that the original builder moved the house 4 ft . After

talking with the building inspector and the Village Staff we were told that ignorance was no excuse. We were told it would be highly UNLIKELY that we would get approval for a "hot tub encroachment" and the only way we could get approval was if we could prove "hardship" in order to encroach. We were also told directly by Village Staff that if we moved forward with our hot tub plan we would have to move it so, better to move it and suffer the financial loss because it would not get approval from council anyway.. Based on that conversation, we decided NOT to seek out approval from the Council to encroach 4 ft. It cost us cost us \$5000 to re-dig the hole for our hot tub and move it back 4 ft.

As we grow and more people move into the Village and build, it is not fair to have one set of rules and bylaws for one resident and a different set for another. As taxpaying, law abiding residents we deserve clear, consistent policies and rules and a consistent interpretation of these policies and rules by Village Staff and Council. The rules and policies are for everyone and it should not be at the discretion of Village staff or Council Members to allow one resident to break them while forcing another to abide by them. These inconsistencies have to change in order for the Lions Bay residents to have faith in Municipalities' due process. The owners of #61 knowingly built the hot tub and deck encroaching 9ft into the Esplanade BEFORE they got approval from Council with no regard for Village bylaws and rules. To be fair and abide by the rules, they need to move it back 9ft.

#18 Brunswick

Andrea and Matthew Klas

From: [Lions Bay Office](#)
To: [Lions Bay Office](#)
Subject: Relaxation of ByLaws Request for August 15 (7-9pm) + August 22 (7-9pm)
Date: Tuesday, July 28, 2020 5:23:44 PM

From: Tamara Leger [REDACTED]
Sent: Tuesday, July 28, 2020 5:03 PM
To: Ron McLaughlin <mayor.mclaughlin@lionsbay.ca>; Council <council@lionsbay.ca>
Cc: Peter DeJong <cao@lionsbay.ca>
Subject: Relaxation of ByLaws Request for August 15 (7-9pm) + August 22 (7-9pm)

To Mr Mayor and Council,

I am writing to officially request some assistance with the ByLaws on August 15 (7-9pm) + August 22 (7-9pm), at **415 Timbertop Drive**, as I am hosting a garden party for a few friends and neighbours at my home, featuring live music.

Given COVID-19 the event must take place outdoors. We have measured and with physical-distancing in effect we can accommodate up to 25 attendees (including band + crew) in 8 self-contained physically-distanced self-contained BUBBLES, with staggered entry and exit. The events will begin at 7pm and live music will run until 9pm (sharp). All attendees will be physically distanced and wearing masks during the gathering. They will also be greeted with wellness check, a mandatory spritz of hand sanitizer upon arrival, and provided individual hand sanitizers, wipes, and fresh water at their seating stations. There will be no shared food or drink.

Given the geography of our property we will be staging it at the back of the house as an outdoor event. The type of music is jazz (Dan Brubeck Trio) and folksy blues (Murray Porter), and amplification will be minimal, but sound does carry.

Guests will be encouraged to park on my private driveway, or along Mountain Drive.

As some of our guests will not be from Lions Bay, they will not have Resident Parking Passes and we hope that this can be waived for the evening, along with the noise ByLaw.

Obviously we will try our best to keep the music and noise to a reasonable level and will inform all neighbors beforehand about the event.

Here is the proposed RESOLUTION

ByLaw Relaxation Request: THAT Council relax the Noise Bylaw and the Traffic and Parking Bylaw to allow live music until 9:00pm at **415 Timbertop Drive** on August 15 (7-9pm) + August 22 (7-9pm).

Thanks you in advance for your assistance.

Sincerely,

Tamara Leger



From: [Agenda](#)
To: [Lions Bay Office](#)
Subject: Encroachment on Village Waterfront Illegal ~ Vote No
Date: Tuesday, July 28, 2020 2:54:14 PM

From: Brenda Broughton [REDACTED]
Sent: Tuesday, July 28, 2020 11:49 AM
To: Ron McLaughlin <mayor.mclaughlin@lionsbay.ca>; Fred Bain <councillor.bain@lionsbay.ca>; Norman Barmeier <councillor.barmeier@lionsbay.ca>; Jaime Cunliffe <councillor.cunliffe@lionsbay.ca>; Neville Abbott <councillor.abbott@lionsbay.ca>
Cc: Peter DeJong <cao@lionsbay.ca>; ca [REDACTED]
Subject: Encroachment on Village Waterfront Illegal ~ Vote No

Dear Mayor and Council,

The Encroachment at 61 Brunswick Road is illegal and must not be agreed to.

Council has a full responsibility to vote No and to have the structure removed or remove it on a specified and short time line.

When the home at Brunswick next to [REDACTED] former home at [REDACTED], was built the owner had put in a thermal system across the Lions Bay Village waterfront at a cost, as I recall, of either \$40,000 or \$80,000. Building Inspector Mr. Dave Butler, took me to this home of his accord, following the 2008 election to advise the owners that this structure must be removed.

Mr. Butler knew that I knew the importance of the Village of Lions Bay Waterfront 20' Esplanade and that it must not be encroached upon.

Residents have steps to gain access to the water that may encroach 1 to 2 feet to afford a 'reasonable' and safe access without obstructing.

The [REDACTED] recently in error placed their hot tub on the Village of Lions Bay Esplanade and were asked to and did remove the encroachment to place it on their own legal property.

[REDACTED] was encroaching when Brunswick was under the GVRD as Water District. When Lions Bay restructured in 1999 with Brunswick to become one community some variances remained, which has upset neighbours, the variances were in existence.

The Esplanade is a multi-million dollar asset of the Village of Lions Bay and must not be compromised with this Hot Tub and deck Installation.

Council has a fiduciary responsibility to the people of Lions Bay to not give away our assets.

When Lions Bay Avenue neighbours came before Council in the 1990's as I presided and requested that they purchase the pathway access for \$100,000 (in today's \$4-500,000). Council voted a

unanimous NO, despite at that time actively seeking funds that would support the purchase of 70 Lions Bay Avenue, which was a key goal.

Lions Bay does not sell, gift or lease communal assets. This is not only wrong, I suspect it is illegal.

Would the Vancouver Parks Board gift a piece of English Bay for the use of an apartment resident ... the answer is absolutely not ... further it would not even get onto the Agenda as it is in violation of the core values of the Vancouver Parks Board.

The Village of Lions Bay owns significant waterfront land north of Magnesia Creek. 61 Brunswick is located on the south side. The Village of Lions Bay not only has a 20' waterfront Esplanade on the West side but owns outright the 20' pathway on the north side of this property immediately adjacent to Magnesia Creek.

Council's responsibility is to Vote NO. I am not able to present this evening.

Council has but one way to vote on this matter. That is to affirm your commitment to the interests of the Village of Lions Bay. You are responsible to Vote NO and to subsequently put forward a motion of removal of the structure immediately.

Thank you.

Sincerely,

Brenda Broughton

A black rectangular redaction box covering the signature area.

From: [Lions Bay Office](#)
To: [Lions Bay Office](#)
Subject: Encroachment at 61 Brunswick
Date: Tuesday, July 28, 2020 5:43:03 PM
Attachments: [61 Brunswick Encroachment June 17 2020 Meiklejohn letter to Council.pdf](#)

From: Christine Silzer [REDACTED]
Sent: Monday, July 27, 2020 5:48 PM
To: Council <council@lionsbay.ca>
Subject: Fwd: Encroachment at 61 Brunswick

The following is forwarded on behalf of Russ Meiklejohn:

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

From: Russ Meiklejohn [REDACTED]
Date: Mon, Jul 27, 2020 at 3:50 PM
Subject: RE: Encroachment at 61 Brunswick
To: [REDACTED]

Good Afternoon

Chris if you can forward my original letter to council attached to our Brunswick group I would appreciate it.

Please see attached my original letter to the Village regarding the encroachment. If you could send a quick note to council in support it would be much appreciated!

And apologies for the Sunday evening phone typos below!

Best Regards
Russ & Dorothy

From: RUSS AND DOROTHY MEIKLEJOHN [mailto:[REDACTED]]
Sent: Sunday, July 26, 2020 7:55 PM
To: [REDACTED]
Subject: Encroachment at 61 Brunswick

Hi Chris - can you please forward this to the Brunswick email chain? Thanks

Good Afternoon fellow Brunswick Beach folks!
I hope you have had a great summer weekend, we look forward to really being back here although we did spend the afternoon on the beach.

We are hoping for your support on a matter on a matter that is important to all of us. As most of you know, we have been enduring the renovation to Peter and Sandra's house next door to us for over 4 years.

It is now pretty much complete. There had been a hot tub installed on the Esplanade, in complete violation of the applicable Lions Bay Regulations governing work on the Esplanade. (basically nothing is permitted).

We sent a letter to Lions Bay about a month ago expressing our concern and listing their regulations that did not permit this.

Much to our disappointment and dismay this is on the Tuesday agenda to have the encroachment approved, brought forward by CAO Peter Dejong.

This is not only a concern for us personally, but should be of concern for the entire Village of Lions Bay as far as legal exposure.

This lot is listed on Craig's List for \$30,000 a month. Now we are not making that up. They appear to be targeting the Hollywood rich and famous and the hot tub is a big selling point.

So when there is an accident do you not think the Village will be listed in the lawsuit? Of course it will.

There is no reason to consider this encroachment, I have no idea what the possible payoff to the Village would be.

This is a very dangerous precedent for the Esplanade.

We hope you can speak to this item either personally or via zoom.

You can also email them

council@lionsbay.ca

Thanks very much

Russ & Dorothy Meiklejohn


(end of September!!!!)

June 17, 2020

Mayor & Council

c/o Chief Administrative Officer
PO Box 141, 400 Centre Road
Lions Bay, British Columbia VON 2E0
council@lionsbay.ca

Re : 61 BRUNSWICK BEACH ROAD ENCROACHMENT

Good Day Mayor and Council

By way of introduction, we are Dorothy and Russ Meiklejohn, long term residents of Brunswick Beach and Lions Bay, and we are writing to you about a situation of great concern both to us and the Village.

As some of you know, we are in the process of building our forever home at 59 Brunswick, a property that has been in Dorothy's family since she was a toddler.
(Russ is a relative newcomer, having been at Brunswick since 1983)

We love Brunswick Beach and all that the Lions Bay community has to offer. Our location gives us an amazing opportunity to enjoy the majesty and serenity of Howe Sound. One of our favorite moments is to be at or in the water after dark enjoying the stars, sometimes the moon making its way across the sky to Gambier Island, and if we are very lucky the magical phosphorescence. The only sound we hear is the lapping of the water on the shore.

Imagine then our horror to see a hot tub installed as part of the long-suffering (4 years plus) renovation next door at 61, located on the Village Esplanade.

Our reactions were and are :

1. How can this have happened without our knowledge or consultation?
2. Is it permissible within Lions Bay Bylaws?
3. What is the legal exposure of the Village if there is an incident, accident or fatality?



HOT TUB ON ESPLANADE 61 BRUNSWICK



HOT TUB FROM 59 BRUNSWICK

APPROX.
PROPERTY
LINE

CONSULTATION

We would expect that any change to the use of the Esplanade would at the very least include notification and opportunity to comment from affected neighbours, much like a variance. When our neighbour at 61 sought to remove tree from the right of way north of the house we were contacted by the Village to see if we had any objections.

We did not, and believe it is important that Lions Bay neighbours do not unreasonably withhold approval of work that benefits a neighbour, either on their own or Lions Bay property, as long as it does not negatively affect their own property or experience of it.

BYLAWS

Lions Bay Bylaw 283 (Noise Bylaw)**(attached)****"NO DISTURBING SOUNDS"**

2. Save as permitted by the provisions of the Bylaw, no person shall make, cause or permit to be made, any sound in the Village which disturbs the tranquility, rest, enjoyment, comfort or convenience persons at any point of reception."

A Hot tub pump will definitely disturb the tranquility, rest and enjoyment of being on the Beach and on our decks. It clearly violates Bylaw 283.

Lions Bay Encroachment Policy 2004 POL- 047**May 17, 2004. (attached)**

According to the Rationale the policy was enacted to address a number of issues, and I paraphrase, including liability of the village and "certainly for residents".

When we elected to buy out Dorothy's brother we reasonably expected that the policies laid out would be adhered to

Page 1 of the Policy include the definition of hot tub as an accessory structure.

Appendix A – Guidelines for the approval of Encroachments

States that

"Encroachments on Municipal lands are not allowed, however under exceptional circumstances, Council may consider permitting an encroachment of an accessory structure if it meets one or more of the following criteria ; and if the same outcome cannot be effectively achieved by locating the accessory structure on private property or through other means :

- Enhances public safety
- Retains natural grade from falling into municipal property
- Stabilizes a bank at natural grade or municipal infrastructure"

There is no reason a hot tub could not be located on private property here, and adding +/- 3 tons (average 8-person hot tub @ 675 gallons x 8.34 lbs plus people)of vibrating water on grade compacted by foot stomping to an old timber rotting 1980s retaining wall clearly will not help grade stability.

But the following portion of Appendix A is the most significant:

"There will be no encroachments, including landscaping, permitted on esplanades, boulevards, unopened road ends, or accesses to the waterfront" (emphasis added)

The hot tub clearly is not permitted according to POL – 047 and must be removed.

We understand, but have been unable to locate village documentation pertaining to, that pre-existing encroachments are permitted to be retained and maintained.
The timber retaining that has been repaired was pre-existing and had a lovely apple tree planted in the retained grade.
The hot tub and new paving are clearly new and clearly not permitted per POL – 047

LIABILITY

Notwithstanding whatever language may be in the encroachment agreement (assuming there is one), the best it can do to protect the Village of Lions Bay is to limit exposure between the Village and the owner of the property.

This property is currently listed on Airbnb for monthly rental. The Village has no contract with these renters.

If there is an incident on Village property you can be certain that as the owner of the property you will be named in any legal action.
That puts everyone in the Village as risk.

At \$30,000.00/month lease rate (no not kidding) you need to take that potential very seriously. The hot tub is listed as an amenity in the Airbnb listing, so will definitely be in use by people of means that the Village has no contract with.

We are not at all happy with this and will not be letting it go.
We are frankly astounded and disappointed that this situation exists.

The hot tub has no legal right to be here as it clearly is not permitted in the Village of Lions Bay Encroachment Policy POL-047 or Noise Bylaw 283 as already stated.

Please advise your response ASAP.

Respectfully



Russ Meiklejohn Architect AIBC
59 Brunswick Beach Road
Lions Bay BC V0N 2E0



Dorothy Meiklejohn B.Arch B.Rec

VILLAGE OF LIONS BAY

BYLAW NO. 283

A By-law to Regulate Noise within the Village of Lions Bay

WHEREAS the Council is authorized by the Municipal Act by bylaw to regulate or prohibit the making of noise in the Village which the Council believes to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

AND WHEREAS it is the opinion of Council that, for the benefit of individuals and the public at large, there must be regulations and prohibitions regarding the making of noise;

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

This By-Law may be cited as "The Village of Lions Bay Noise Control By-Law No. 283, 1998."

DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:

"chain saw" means a portable saw which uses a cutting chain and is powered by an internal combustion engine or electric motor;

"chipper" means a portable device used to chip, shred or grind wood waste and is powered by an internal combustion engine or electric motor;

"construction" means the erection, alteration, repair, painting, maintenance, relocation, demolition or removal of a building or other structure and includes all land clearing, landscaping, earth moving, grading, excavating, all public works activities, the erection or laying of lines, cable, pipes and conduit (whether above or below ground level), street building, paving, concreting and similar activities on a site and the installation, alteration or removal of construction equipment, components and materials in any form or for any purpose, and any work being done in connection therewith;

"continuous sound" means any sound occurring without interruption for more than three minutes, or occurring repeatedly for periods of time which aggregate more than three minutes in any fifteen minute period;

"daytime" means the period from 0700 hours to 1900 hours of the same day;

"emergency vehicle" means an emergency vehicle as defined by the Motor Vehicle Act, R.S.B.C., 1996, c. 318;

"holiday" means a holiday as defined by the Interpretation Act., R.S.B.C., 1996, c. 238;

"leaf blower" means a machine powered by an internal combustion engine or electric motor used for the movement of debris, leaves, grass and other materials by forced air or suction;

"point of reception" means any premises where sound is received, other than the premises from which the sound originates;

"power equipment" means any tool, equipment or machinery powered by an internal combustion engine or electric motor that is used for construction, for lawn, garden, building and property maintenance, and includes edge trimmers, line trimmers, rototillers, lawnmowers, pressure washers, carpet cleaning equipment and hand operated power tools, but excludes chain saws, chippers and leaf blowers;

"premises" means a parcel of land or a structure, including a floating structure, or any part thereof, situated within the Village;

"sound level" means the sound pressure level measured in decibels using the "A" weighting network setting of a sound level meter (being a device listed in ANSI Type II or IEC 123 that is calibrated for the measurement of sound and includes Bruel and Kjaer's Precision Sound Level meter, which setting meets the minimum specifications set out in ANSI Type II or IEC 123);

"vehicle" means a vehicle as defined by the Motor Vehicle Act, R.S.B.C., 1996, c. 318;

"Village" means the Village of Lions Bay;

"weekday" means any day, not being a holiday, from Monday to Friday, inclusive.

NO DISTURBING SOUNDS

2. Save as permitted by the provisions of the Bylaw, no person shall make, cause or permit to be made, any sound in the Village which disturbs the tranquility, rest, enjoyment, comfort or convenience of persons at any point of reception.

SOUND LEVELS

3. No person shall make, cause or permit to be made within the Village a continuous sound with a sound level that, measured at a point of reception, exceeds 55 decibels in the daytime or 45 decibels in the nighttime.

PROHIBITION OF SOUNDS OF SPECIFIC ORIGIN

4. Despite the provisions of Section 3, no person shall, unless exempted under Section 6, make or cause or permit to be made:
 - (a) a continuous sound during the daytime or nighttime of any day, regardless of sound level, for a period of time in excess of 15 minutes by:
 - i) the use of any electronic equipment, musical instrument, whistle, siren, horn, drum or other device or apparatus which emits, produces or amplifies sound;
 - ii) shouting, clamour or singing;
 - iii) the bark, call or cry of an animal; or
 - iv) the operation of any power equipment;

which can be heard by a person at a point of reception;



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Type	POLICY	Policy No	POL-047
Title	Lions Bay Encroachment Policy 2004	Replaces:	-
Date	May 17, 2004	Version	1

The following Encroachment Policy was approved by Council on May 17, 2004 and applies to all properties in Lions Bay.

RATIONALE:

The policy was enacted to address the following Village concerns:

Liability – As the Village has a right of possession over municipal lands, there is a concern that accidents could lead to claims against the Village.

Private Use of Public Lands – Municipal lands are important public amenities in the Village and Council wishes to protect the public's right to use and enjoy them.

The policy also addresses the following issues:

- creates a long term solution,
- creates certainty for residents, and
- does not put property owners or the Village to significant expense.

DEFINITIONS:

Encroachments for the purpose of this policy includes:

Encroachments of Buildings – a structure wholly or partly enclosed by a roof and supported by walls, columns, or posts. Buildings include, but are not limited to residences, sheds, carports and boathouses.

Encroachments of Accessory Structures – Anything constructed or erected, excluding a building, the use of which requires its permanent or semi-permanent location on or under the ground, or its attachment to something having a permanent or semi-permanent location on or under the ground. Accessory structures include, but are not limited to, retaining walls, decks, fences, boat launch pads, stairs, hot tubs and planters.

Encroachments will not include soft landscaping.

Municipal land for the purpose of this policy includes: roads and municipal rights of way that are owned, legally occupied or under the jurisdiction of the Municipality, and includes all highways, boulevards and esplanades.



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Appendix A – Guidelines for the Approval of Encroachments

The following guidelines for approving applications for encroachments were approved by Council at their Regular Meeting on June 7, 2004.

Encroachment on municipal lands are not allowed, however under exceptional circumstances, Council may consider permitting an encroachment of an accessory structure if it meets one or more of the following criteria; and if the same outcome cannot be achieved effectively by locating the accessory structure on private property or through other means:

- Enhances public safety,
- Retains natural grade from falling onto municipal property,
- Stabilizes a bank at natural grade or municipal infrastructure.

Any encroachment on municipal land shall not interfere with municipal services, reduce public safety or restrict public access. All encroachments must meet municipal standards.

There will be no encroachments, including landscaping, permitted on esplanades, boulevards, unopened road ends, or accesses at the waterfront.

Exemptions:

No encroachment permit is required for the placement of the following types of encroachments on the boulevard:

1. In any location:
 - a) access sidewalk a maximum of 2 metres in width,
 - b) access driveway a maximum of 6 metres in width,
 - c) lawns, flowers, ground covers and shrubs under 0.6 metres in mature height, provided they are not placed in areas created and required by the Village for public on-street parking,
2. Located a minimum of 2 metres from the paved or travelled roadway:
 - a) access steps which are part of an access sidewalk,
 - b) heating coils in driveways,
 - c) rocks or similar obstructions where under 0.6 metres in height,
 - d) low-level pedestrian scale lighting fixtures of less than 3 metres in height and located at a property entrance.