

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 9182 be now passed."

CARRIED

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Brownoff and Seconded by Councillor Gerrard: "That Council adopt the minutes of the May 7, 2012 Council and Committee of the Whole meetings."

CARRIED

BYLAWS

1110-30
Financial Plan Bylaw

FINANCIAL PLAN BYLAW (2012 – 2016)

Final Reading of the "Financial Plan Bylaw, 2012, No. 9178". To establish the five year financial plan for 2012 – 2016.

MOVED by Councillor Brice and Seconded by Councillor Wade: "That Bylaw No. 9178 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

1110-30
Garbage Collection and Disposal Bylaw

GARBAGE COLLECTION AND DISPOSAL BYLAW AMENDMENT

Final Reading of the "Garbage Collection and Disposal Bylaw, 2005, Amendment Bylaw, 2012, No. 9179". To increase the charge for extra receptacles and special pickups, and delete Section 5.4 (Saturday refuse drop-off at the Public Works Yard).

MOVED by Councillor Sanders and Seconded by Councillor Brownoff: "That Bylaw No. 9179 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

1110-30
Tax Bylaw

TAX BYLAW

Final Reading of the "Tax Bylaw, 2012, No. 9180". To establish the tax rates for 2012.

MOVED by Councillor Sanders and Seconded by Councillor Gerrard: "That Bylaw No. 9180 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

1110-30
CRD Onsite Sewage Systems Service Parcel Tax Bylaw

CRD ONSITE SEWAGE SYSTEMS SERVICE PARCEL TAX BYLAW AMENDMENT

Final Reading of the "CRD Onsite Sewage Systems Service Parcel Tax Bylaw, 2008, Amendment Bylaw, 2012, No. 9181". To establish the parcel tax rate for 2012.

MOVED by Councillor Wade and Seconded by Councillor Brownoff: "That Bylaw No. 9181 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

2720-40
Road Closures

ROAD CLOSING AND HIGHWAY DEDICATION REMOVAL BYLAW (BOLESKINE ROAD)

Three Readings of the "Road Closing and Highway Dedication Removal Bylaw, 2012 (Boleskine Road), No. 9168". To stop up and close to traffic and remove the highway dedication fronting 400 Boleskine Road.

MOVED by Councillor Gerrard and Seconded by Councillor Derman: "That Bylaw No. 9168 be introduced and read."

CARRIED

MOVED by Councillor Gerrard and Seconded by Councillor Derman: "That Bylaw No. 9168 be read a second time."

CARRIED

MOVED by Councillor Gerrard and Seconded by Councillor Derman: "That Bylaw No. 9168 be now passed."

CARRIED

RESOLUTION FOR ADOPTION

1050-20
Fire Dispatch
Service Agreement –
View Royal

FIRE DISPATCH SERVICE AGREEMENT - TOWN OF VIEW ROYAL

Report of the Fire Chief dated May 3, 2012 recommending Council authorize the Fire Dispatch Service Agreement with the Town of View Royal.

MOVED by Councillor Brownoff and Seconded by Councillor Murdock: "That Council authorize the five-year Fire Dispatch and Communications Service Agreement with the Town of View Royal, as outlined in the report of the Fire Chief dated May 3, 2012."

CARRIED

1050-20
Fire Dispatch
Service Agreement –
Colwood

FIRE DISPATCH SERVICE AGREEMENT - CITY OF COLWOOD

Report of the Fire Chief dated May 3, 2012 recommending Council authorize the Fire Dispatch Service Agreement with the City of Colwood.

MOVED by Councillor Derman and Seconded by Councillor Murdock: "That Council authorize the five-year Fire Dispatch and Communications Service Agreement with the City of Colwood, as outlined in the report of the Fire Chief dated May 3, 2012."

CARRIED

1300-20
AVICC

ASSOCIATION OF VANCOUVER ISLAND AND COASTAL COMMUNITIES (AVICC) – ANNUAL DUES

Invoice from the AVICC requesting payment of the 2012 annual dues in the amount of \$10,090.00.

MOVED by Councillor Brice and Seconded by Councillor Wergeland: "That Council authorize the payment of \$10,090.00 to the Association of Vancouver Island and Coastal Communities for the 2012 Annual Dues."

CARRIED

Adjournment On a motion from Councillor Gerrard, the meeting adjourned at 7:35 pm.
The Meeting reconvened at 7:55 pm.

Recommendations **RECOMMENDATIONS**
From the Committee of the Whole Meeting held May 14, 2012

2860-30 **955 PORTAGE ROAD – DEVELOPMENT PERMIT – IAN SUTHERLAND**
Portage Road

MOVED by Councillor Brownoff and Seconded by Councillor Derman:
“That Council approve and issue Development Permit DPR2008-00008 on Lot 5, Section 79, Plan 890, Victoria District, Except Part in Plan 3836 RW and Plan 776 RW (955 Portage Road).”

CARRIED

1610-50 **999 TATTERSALL DRIVE – REMEDIAL ACTION ORDER – PORTABLE SHELTER**
Tattersall Drive

MOVED by Councillor Derman and Seconded by Councillor Brownoff:
“That Council pass the following resolution imposing remedial action requirements:

1. Council hereby declares the 10’ x 20’ portable shelter constructed in the rear yard of the parcel known as Lot 8, Section 9, Victoria District, Plan 1707, having a civic address of 999 Tattersall Drive in the Municipality of Saanich (herein called “the lands”) contravenes the Building and Plumbing Bylaw No. 8627 and the Zoning Bylaw No. 8200 for the Corporation of the District of Saanich as follows:
 - a. The shelter was constructed without a building permit as required by the Building and Plumbing Bylaw No. 8627 and;
 - b. The shelter was constructed within 3.5 m (11.5 ft.) from an exterior side lot line, contrary to the Zoning Bylaw No. 8200.
2. Council hereby directs Joseph Nash (herein called “the owner of the lands”) to remove the portable shelter located in the rear yard of the lands within (60) sixty days from the date on which notice of this order is served upon the owner of the lands.
3. If the owner of the lands fails to comply with the requirements of Section 2 of this resolution, the Municipality may through its employees, agents, or contractors, enter upon the lands and carry out the work described in Section 2 of this resolution at the expense of the owner pursuant to Section 17 of the Community Charter.”

CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 7:56 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

1610-50
Tattersall Drive

999 TATTERSALL DRIVE – REMEDIAL ACTION ORDER – PORTABLE SHELTER

Report of the Director of Planning dated April 25, 2012 recommending Council pass a resolution imposing remedial action requirements pursuant to Sections 72 and 73 of the Community Charter directing the owner to remove the portable shelter from the property.

Mr. P. Carrigan, Saanich Bylaw and Licence Enforcement Officer stated:

- A series of complaints have been received in regards to portable shelters.
- Various municipal staff members have confirmed that this type of structure needs to comply with both the Building and Plumbing Bylaw and the Zoning Bylaw; however, the owner of the subject property disagrees with staff's interpretation.
- Staff members have had several conversations with the owner of the subject property requesting his compliance.
- At this point, it is appropriate for the owner to present his reasons for retaining the shelter to Council.

Mr. J. Nash, owner of 999 Tattersall Drive stated:

- He disagrees that the portable shelter is a structure.
- A remediation order is not appropriate.
- The Building and Plumbing Bylaw states that bylaws are enacted to regulate construction.
- The portable shelter was assembled from a kit, not constructed, and is more like a tent. Tents do not require permits in order to use them on private property, because they are not structures.
- Requiring that portable shelters comply with the Building and Plumbing Bylaw or the Zoning Bylaw is an arbitrary interpretation.
- He questions whether the portable shelters installed at the Saanich Public Works Yard have met code requirements and have acquired building permits.
- He has only been issued one ticket, which he disputed on December 31, 2011. He has not received an official response to his letter of dispute.
- He would welcome a motion that this matter be dropped and all actions against him cease.

In response to questions from Council, Mr. Nash stated:

- The portable shelter was installed on his property about 2 years ago. It has not been taken down since that time.
- The portable shelter has been moved slightly, but has remained in approximately the same location.

In response to questions from Council, the Director of Planning stated:

- The Building and Plumbing Bylaw considers the portable shelter a structure which requires a permit.
- The Zoning Bylaw indicates that accessory structures are to be sited not less than 3.5 m from an exterior side lot line.

MOTION: **MOVED by Councillor Derman and Seconded by Councillor Gerrard:**
“That it be recommended that Council pass the following resolution imposing remedial action requirements:

- 1. Council hereby declares the 10’ x 20’ portable shelter constructed in the rear yard of the parcel known as Lot 8, Section 9, Victoria District, Plan 1707, having a civic address of 999 Tattersall Drive in the Municipality of Saanich (herein called “the lands”) contravenes the Building and Plumbing Bylaw No. 8627 and the Zoning Bylaw No. 8200 for the Corporation of the District of Saanich as follows:**
 - a. The shelter was constructed without a building permit as required by the Building and Plumbing Bylaw No. 8627 and;**
 - b. The shelter was constructed within 3.5 m (11.5 ft.) from an exterior side lot line, contrary to the Zoning Bylaw No. 8200.**
- 2. Council hereby directs Joseph Nash (herein called “the owner of the lands”) to remove the portable shelter located in the rear yard of the lands within (60) sixty days from the date on which notice of this order is served upon the owner of the lands.**
- 3. If the owner of the lands fails to comply with the requirements of Section 2 of this resolution, the Municipality may through its employees, agents, or contractors, enter upon the lands and carry out the work described in Section 2 of this resolution at the expense of the owner pursuant to Section 17 of the Community Charter.”**

Councillor Derman stated:

- Building something from a kit does not make it a temporary structure.
- The portable shelter has stayed in approximately the same location for the last 2 years, which suggests that it is meant to be a relatively permanent accessory structure and should be treated as such under Saanich’s bylaws.

Councillor Brownoff stated:

- Portable shelters are becoming more common.
- It might be beneficial for Saanich staff to contact retailers and to raise awareness of the bylaw violations that can result. This information could also be posted on the public website.
- The remedial action order is supportable as the portable shelter on the subject property does not comply with Saanich’s bylaws.

Councillor Sanders stated:

- She agrees with Councillor Brownoff that portable shelters are becoming more common. They are causing issues in many neighbourhoods.
- Many advertisements for portable shelters indicate that municipal bylaws should be reviewed before installing these structures.

Councillor Wergeland stated:

- As a municipality, it is important that Saanich be consistent when enforcing bylaws.

The Motion was then Put and CARRIED

Adjournment

On a motion from Mayor Leonard the meeting adjourned at 7:54 pm.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK