

# Local Government Fact Sheets

A Reference Guide to Local Government Planning & Operations

November 2022

# List of Fact Sheets

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The complexity of local government in British Columbia can be overwhelming. To address this, the Union of British Columbia Municipalities (UBCM) has prepared an overview for local government decision-makers.

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Ministry of Municipal Affairs

CivicInfo BC

Ministry of Public Safety & Solicitor General

Municipal Finance Authority

Ministry of Finance

Stewart McDannold Stuart Barristers & Solicitors

Ministry of Attorney General

# 1 Statutory Basis of Local Government

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**Constitutional Basis** Powers and responsibilities are divided between the federal and provincial governments under the Canadian Constitution. Provinces are responsible for “municipal institutions” or local governments. The Province, in turn, assigns its powers in this sphere to local governments through provincial legislation.

**Provincial Statutes** The general rule is that local governments have only those powers for which the legislation provides the authority. Letters Patent or Supplementary Letters Patent create a local government and may modify or limit those statutory powers. Powers given by a statute may also be limited by other provincial or federal statutes. Where there is a conflict between a provincial or federal statute and a local bylaw, the statute prevails. Local bylaws cannot regulate the use of provincial or federal lands (or Indian Reserves).

The following statutes set out the *primary* legislative framework for local government operations in British Columbia:

**Community Charter** The *Community Charter (Charter)* provides the statutory framework for all municipalities in British Columbia (other than the City of Vancouver). The *Charter* sets out municipalities’ core areas of authority, including: broad powers (e.g., municipal services); property taxation; financial management; bylaw procedures; and bylaw enforcement. The *Charter* provides the principal source of municipal corporate (“natural person”) powers, including broad spheres of service and regulatory powers, and specific powers (e.g., expropriation). While the *Charter* is focused on municipalities it should be noted that many provisions, such as public accountability and procedural matters, apply to regional districts. The *Charter* also sets out principles of municipal-provincial relations, including consultation requirements and dispute resolution processes.

**Local Government Act** The *Local Government Act* is the primary legislation governing regional districts and improvement districts service provision and approval processes. The Act also applies broadly to all local governments, including municipalities in relation to matters such as incorporation, boundary changes, statutory requirements for elections, and planning and land use powers. The Act also includes key provincial powers such as the authority for the office of the Inspector of Municipalities.

### Local Elections Campaign Financing Act

The *Local Elections Campaign Financing Act* establishes rules for local government candidates, elector organizations and third party advertising sponsors, including disclosure requirements for campaign financing and election advertising. The campaign financing rules create accountability and transparency by requiring the recording and disclosing of detailed information about financial and non-financial activities. Under the Act, Elections BC is responsible for administering campaign financing and third-party advertising rules for all local government elections in British Columbia.

### Vancouver Charter

The *Vancouver Charter* is the principal statute setting out the powers of the City of Vancouver, and the Vancouver Park Board. The *Vancouver Charter* contains the rules that govern how the City of Vancouver operates, what bylaws City Council can create, and how budgets are set. Although many of the powers established under the *Vancouver Charter* parallel those of other municipalities, some are quite different.

In addition to the core local government legislation described above, there are other key statutes relevant to local governments in British Columbia. Some of these statutes include:

- *Assessment Act*
- *Building Act*
- *Cannabis Control and Licensing Act*
- *Emergency Program Act*
- *Environmental Management Act*
- *Freedom of Information and Protection of Privacy Act*
- *Greater Vancouver Water District Act*
- *Islands Trust Act*
- *Interpretation Act*
- *Motor Vehicle Act*
- *Offence Act*
- *Water Sustainability Act*

The BC Laws website provides free public access to these statutes and other current consolidation of British Columbia statutes and regulations as new and amended laws come into force. Electronic versions of these statutes are available at [bclaws.ca](http://bclaws.ca).

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## 2 Elected Officials

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<b>Powers</b>	The power of a single council or board member depends on their ability to persuade the other members to their point of view. A single member does not have the power to bind the municipality or regional board in any way (with the exception of the powers of the mayor) or direct either its employees or its affairs. The elected official's power is collective, not individual.
<b>Term of Office Four Years</b>	<p>Term of office of mayor and councillor is four years and begins the first meeting following the election, ending the first meeting following the general election four years later [<i>Community Charter</i> (CC) s. 119(1)]. In practice, for the purpose of continuity, mayor and councillors remain in office until their successors have been sworn in (there must be enough successor councillors to achieve quorum). Any person elected or appointed between general elections to fill a vacancy on council holds office only for the remainder of the term.</p> <p>The term for electoral area directors begins on the first Monday after November 1 following the election, or when they make the oath of office, whichever is later. Their term ends four years hence on the first Monday after November 1 or when their successor takes office, whichever is later [<i>Local Government Act</i> (LGA) s. 199(2)].</p>
<b>Oath Required</b>	A person who has been elected shall, before taking office, complete an "Oath or solemn affirmation of office" [CC s. 120 and LGA s. 202].
<b>Conflict of Interest/ Disqualification</b>	Refer to Fact Sheet #14.
<b>No Privilege of Immunity</b>	In the Parliament of Canada or in a Provincial Legislature there is a "privilege of immunity" which protects the elected person from libel or slander suits. This does not extend into the council chamber or the regional district boardroom. Any remarks made at a council or regional board meeting could subject the speaker to a libel or slander suit. There is no privilege of immunity.
<b>Campaign Contributions &amp; Expenses</b>	A candidate for office must record and report campaign contributions and expenses. See the <i>Local Elections Campaign Financing Act</i> s. 13-30.05 and s. 46-57 for specific details.
<b>Financial Disclosure</b>	The <i>Financial Disclosure Act</i> requires all local government officials to file a written financial disclosure annually between the 1 <sup>st</sup> and 15 <sup>th</sup> of January [ <i>Financial Disclosure Act</i> s. 2(3)].

### Remuneration

At least once a year, councils and boards must prepare a report listing for each member all remuneration, expense payments and benefits received, and any contracts with the member [CC s. 168 and LGA s. 376(1)(b)].

If, therefore, a member of a council or board approved the payment of any remuneration not authorized by Act or bylaw, the member would become personally liable to the local government for all sums so paid.

### Indemnification

A council or board may indemnify elected officials in the event a suit is brought against them as a result of their involvement in a decision or action of the municipality or regional district [LGA s. 740(2)].

### Illegal Expenditures

When voting on a bylaw or resolution, elected officials may be held personally responsible for the amount involved in using or investing local government funds contrary to the *Community Charter* or *Local Government Act*, and an elected official may be disqualified from holding office for doing so [CC s. 191 and LGA s. 377(1)(f)].

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# 3 Council

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## Council

Council is the governing body of the municipal corporation and the custodian of its powers, both legislative and administrative. It is a continuing body, though its membership may change by election or appointment. Council develops policies, adopts bylaws or resolutions based on these policies, and then ensures that they are executed by the administration. Under the *Community Charter* (CC), a municipality may provide any service that council considers necessary or desirable [CC s. 6-8 & 114].

The *Community Charter* provides that council can only exercise the powers of the municipal corporation in the proper form, either by bylaw or resolution passed at a regular or special meeting when a quorum is present [CC s. 122-123 & 129].

It is important to recognize that the members of council cannot make a valid and binding decision separately, even though there is unanimous agreement. They must give a collective judgment as a group and not as individuals.

## Composition of Councils

The council is composed of a mayor and councillors that are directly elected by the electors. Unless otherwise provided, the council size for municipalities must be as follows [CC s. 118]:

	<b>Mayor</b>	<b>Councillors</b>	<b>Full Council</b>	<b>Quorum</b>
City/District > 50,000 pop.	1	8	9	5
City/District ≤ 50,000 pop.	1	6	7	4
Town/Village	1	4	5	3

Council may, by bylaw, establish the number of members of council as a mayor and 4, 6, 8 or 10 councillors [CC s. 118]. If the number would be less than that set out above, the bylaw must be approved by the electors.

Unless otherwise provided, decisions are made by a majority of the council members present at a council meeting [CC s. 123].

**Duties of the Mayor**

The mayor is the head and chief executive officer of the municipality, and presiding officer at council meetings when in attendance [CC s. 116].

The mayor:

- is a member of, and votes with, council [CC s. 116(2), 123];
- has specific duties under the *Community Charter* [CC s. 116(2)];
- can return matters for “reconsideration” by council [CC s. 131];
- must suspend municipal officers or employees if they consider this necessary [CC s. 151]; and
- establishes standing committees [CC s. 141].

**Acting Mayor**

Council must, in accordance with its procedure bylaw, designate a councillor to act in place of the mayor when the mayor is absent or unable to act, or when the office of mayor is vacant. When acting in place of the mayor, this councillor has all the same powers and duties as the mayor [CC s. 130(1)].

In the event that both the mayor and designated replacement are absent from a council meeting, the remaining members shall choose a member to preside over the meeting from among those present [CC s. 130(2)].

**Meetings**

Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business [CC s. 124].

For the calling of various council meetings see CC s. 125-128.

**Public Access**

For general rules governing meetings and public access to municipal records see CC s. 89-97.

**Annual Reporting**

For rules addressing local government annual reporting requirements see CC s. 98-99.

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## 4 Meetings

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### Council or Board Meeting

The elected municipal council or regional district board acts as the governing body of the local government, exercising and performing the powers, duties and functions of the local government [Community Charter (CC) s. 114(3) and Local Government Act (LGA) s. 194]. The council or board conducts all of its business at a properly constituted meeting, and must deal with all matters on the meeting agenda. This means that each matter must be concluded (carried or defeated), tabled, referred or deleted.

A council or board exercises its authority by authorizing a bylaw or adopting a resolution at a council or board meeting [CC s. 122]. Informal caucus or committee decisions have no force until dealt with by council or the board.

### Chair or Presiding Member

The mayor presides at council meetings [CC s. 116(2)(c)]. Council must also designate a councillor to act in place of the mayor when the mayor is absent, unable to act, or when the office of mayor is vacant. If neither the mayor nor the designated councillor is present, then the members present must choose a member to preside [CC s. 130].

At the first meeting held after November 1 each year, regional district boards must elect a chair and a vice chair. The chair presides at board meetings, with the vice chair acting in place of the chair when the chair is not present or is unable to act. If neither the chair nor vice chair is present, then the directors present may elect an acting chair for that meeting [LGA s. 215].

The mayor, chair or presiding member preserves order and decides points of order at meetings [CC s. 132]. If a member appeals a decision on a point of order, the presiding member shall immediately ask the question: "Shall the chair be sustained?" and the question must be decided without debate. The chair is governed by the vote of the majority, exclusive of the chair. In the event the votes are equal, the question shall pass in the affirmative [CC s. 132(3)].

### Decisions

Items on the agenda are discussed and decisions made on them. The decision must be made either by a resolution or bylaw.

A resolution is a formal expression of opinion or a decision by council on a specific matter.

A bylaw is a document that formalizes a regulation made by council.

Most local government powers can be exercised by resolution. However, if an Act states that a power must be exercised by bylaw, then that power cannot be exercised by resolution [CC s. 122(2) and LGA s. 226(2)].

**Voting** Most business can be passed by a simple majority of those present if there is a quorum [CC s. 123(1) and LGA s. 207(1)].

**Abstention** A member who fails to vote will be counted as voting in the affirmative [CC s. 123(4) and LGA s. 207(3)]. A member may abstain only if his or her participation in the vote is restricted due to conflict of interest [CC s. 101].

**Tie Vote** On a question requiring a simple majority, a tie vote means that the motion fails [CC s. 123(5) and LGA s. 207(4)]. The only exception is a Challenge of the Chair, in which a tie vote means that the motion passes. [CC s. 132(3)(b)].

**Two-Thirds Majority Vote** Certain bylaws or resolutions may require a specific majority to pass. Usually the corporate officer will advise council if a specific majority is required. When a specific portion of affirmative votes is needed, the portion is based on council size, not on members present [CC s. 123(6)].

Examples of bylaws or resolutions requiring a two-thirds majority to pass include:

- providing assistance to business (other than tax exemptions) for the conservation of heritage properties [CC s. 25(3)];
- dedication of park land or heritage properties [CC s. 30(2)];
- termination of officers for no cause [CC s. 152(2)];
- resolution to make application to disqualify a council member [CC s. 111(2)(a)]; and
- providing tax exemptions to heritage, riparian, and partnering properties [CC s. 225(7)(c)].

Other voting rules specific to regional districts can be found at LGA s. 214.

**Quorum** A quorum is the number of members, including the mayor, required to be present in order for council to transact business. The *Community Charter* specifies the quorum as the majority of the number of members of the council [CC s. 129].

<b>Full Council (including Mayor)</b>	<b>Quorum</b>
11	6
9	5
7	4
5	3

Members ineligible to vote on a particular matter are not counted as part of the quorum for that vote.

If a quorum is present at the start of a meeting, but some members then leave and the quorum is lost, no further business may be conducted.

<b>Minutes</b>	A procedure bylaw must provide for the taking of minutes of all meetings of council/board and committees [CC s. 124]. All minutes shall be available to the public, except minutes of a meeting or part of a meeting that is closed to the public [CC s. 97 and LGA s. 268(1)]
<b>Procedures for Bylaws &amp; Resolutions</b>	<p>Council/board must, by bylaw, establish the procedures to be followed in the passing of resolutions and adoption of bylaws [CC s. 124, 135 and LGA s. 227].</p> <p>It is common practice to set out the meeting and bylaw procedures in a single procedure bylaw.</p>
<b>Statutory Procedures</b>	Procedures set out in the <i>Community Charter or Local Government Act</i> must be followed and cannot be varied.
<b>Public Notice</b>	The <i>Community Charter</i> and <i>Local Government Act</i> require local governments to provide advance public notice on matters of public interest (e.g., public meetings, elections, public hearings, disposition of land). Local governments have two options for providing public notice, they can use the default publication requirements of publishing in a newspaper once each week for two consecutive weeks or adopt a bylaw to provide for alternative methods of publication [CC ss 94-94.2].
<b>Procedure Bylaw</b>	A council or board must, by bylaw, establish general procedures to be followed by council and council committees in conducting their business [CC s. 124 & LGA s. 225]. Among other things, the procedure bylaw should include the format for meeting agendas, minutes, public notices, and procedures to designate acting mayor or chair.
<b>Types of Meeting</b>	<p>Regular meetings are held at specified regular intervals as set by the council/board in a procedure bylaw and as provided in the <i>Community Charter or Local Government Act</i> [CC s. 125(3) and LGA s. 219].</p> <p>Special meetings are held at times other than statutory regular or adjourned meetings, and must be called according to specific requirements [CC s. 126 and LGA s. 220]:</p> <ul style="list-style-type: none"> <li>• The mayor may call a special council meeting, or two or more council members may, in writing, request the mayor to call a special meeting.</li> <li>• Two or more council members may call a special meeting if: <ul style="list-style-type: none"> <li>○ within 24 hours after receiving a request, the mayor has made no arrangements for a special meeting to be held within the next seven days, or</li> <li>○ both the mayor and the mayor's designate are absent or unable to act.</li> </ul> </li> <li>• The board chair or any two directors may request the corporate officer to call a special board meeting.</li> </ul>

## Notice of Meeting

The schedule of regular council/board meetings, including date, time and place, must be available to the public. The public must receive annual notice of the availability of this schedule [CC s. 127(1) and LGA s. 225].

Notice of a special council meeting, including date, time, place and purpose, must be given at least 24 hours prior to the meeting by:

- (a) posting a copy of the notice at the regular council meeting place;
- (b) posting a copy of the notice at the public notice posting places; and
- (c) leaving one copy for each council member at the place to which the member has directed notices be sent [CC s. 127].

Each copy of a special council meeting notice must be signed by the mayor or corporate officer, or if two or more council members call a special meeting, by those council members [CC s. 127(3)].

Notice of a special board meeting, including date, time, place and purpose, must be provided at least 24 hours prior to the meeting to each director [LGA 220(2)].

In the case of emergency, notice of a special meeting may be waived by unanimous vote of all council/board members [CC s. 127(4) and LGA s. 220(4)].

## Electronic Meetings

Municipal council, regional district board and committee members may participate in electronic council, board, committee or special meetings when they are unable to attend meetings in-person. [CC s. 128-128.3]. The procedure bylaw must authorize the use of electronic meetings and the local government must also follow the legislated rules.

Councils and boards are required to:

- Include the process for electronic meetings in the local government procedure bylaw;
- Provide notice of electronic meetings;
- Provide the appropriate technology to give the public the opportunity to hear, or watch and hear, the participation of council or board meetings held electronically;
- Provide a place for the public to attend to hear the proceedings of regular and special meetings held electronically.

Council and board members who are participating in a meeting conducted in accordance with these requirements are considered to be present at the meeting. Refer to the Regional District Electronic Meetings Regulation for more information on electronic meeting rules and requirements for regional district board meetings.

## Open Meetings

All meetings of the council/board must be open to the public [CC s. 89(1)] except where meetings are permitted to be closed to the public.

The mayor/chair may expel and exclude from a meeting any person considered to be guilty of improper conduct [CC s. 133].

## Closed Meetings

Part 4, Division 3 of the *Community Charter* contains the rules for holding closed meetings of council; select, standing and other council committee meetings; as well as other municipal bodies (board of variance, local court of revision, advisory committees, and bodies that exercise the powers of the municipality or council).

Before a meeting or part of a meeting is closed to the public, the council must state, by resolution, the fact that the meeting will be closed and the basis on which the meeting is to be closed [CC s. 92].

Matters that require a meeting or part of a meeting to be closed to the public are as follows [CC s. 90(2)]:

- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if council is designated as head of the local public body for the purposes of that Act in relation to the matter;
- (b) information about negotiations involving the local government and a provincial or federal government (or both); or between the provincial or federal government (or both) and a third party;
- (c) an investigation under the *Ombudsperson Act*, of which the municipality has been notified;
- (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

Matters for which a meeting may be closed to the public include [CC s. 90(1)]:

- (a) personal information about an officer, employee, agent, or appointee of the municipality, or an individual being considered for a position;
- (b) personal information about an individual being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) acquisition, disposition or expropriation of land or improvements, if disclosure might harm the interests of the municipality;
- (f) law enforcement, if disclosure might harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by council or its delegate;

- (i) receipt of advice subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited from disclosure under section 21 of the Freedom of Information and *Protection of Privacy Act*;
- (k) preliminary negotiations about proposed provision of a municipal service, that if held publicly might harm the municipality's interests;
- (l) discussions with municipal officers and employees for the purposes of preparing an annual report;
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (n) the consideration of whether a council meeting should be closed; and
- (o) the consideration of whether authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.

## Examples Of Motions

*Source: Maritime Municipal Training and Development Board*

Motion	Usual Purpose
<p><b>Set Date &amp; Time of Next Meeting</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires, for adoption, a majority vote</li> <li>- only the date or time may be debated</li> </ul>	<ul style="list-style-type: none"> <li>- ensure that those who must leave know the time and place of the next meeting</li> </ul>
<p><b>Set the Time to Adjourn</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- only the time of adjournment may be debated</li> </ul>	<ul style="list-style-type: none"> <li>- limit meeting length</li> </ul>
<p><b>Adjourn</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- only the time of adjournment may be debated</li> </ul>	<ul style="list-style-type: none"> <li>- terminate the meeting</li> </ul>
<p><b>Recess</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- not debated</li> </ul>	<ul style="list-style-type: none"> <li>- provide a cooling-off period</li> </ul>

Motion	Usual Purpose
<p><b>Limit Debate or Extend The Limit of Debate</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- not debated</li> </ul>	<ul style="list-style-type: none"> <li>- limit discussion time</li> </ul>
<p><b>Postpone to a Definite Date &amp; Time</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- only the date or time may be debated</li> </ul>	<ul style="list-style-type: none"> <li>- make way for more urgent business</li> <li>- provide a cooling-off period</li> <li>- postpone indefinitely</li> <li>- determine support</li> </ul>
<p><b>Commit or Refer</b> (e.g., to a standing/special committee)</p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- only the advisability or propriety of referral may be debated</li> </ul>	<ul style="list-style-type: none"> <li>- obtain additional information or enable further discussion</li> </ul>
<p><b>Amend</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- may be debated</li> </ul>	<ul style="list-style-type: none"> <li>- add, delete or substitute words in the main motion</li> </ul>

<p><b>Raise a Question of Privilege</b></p> <ul style="list-style-type: none"> <li>- requires a mover only, who may interrupt another speaker</li> <li>- requires no vote, decided by chair</li> <li>- not debated</li> </ul>	<ul style="list-style-type: none"> <li>- ventilation</li> <li>- disorder in gallery</li> <li>- any rights of members</li> </ul>
<p><b>Raise a Point of Order</b></p> <ul style="list-style-type: none"> <li>-requires a mover only, who may interrupt another speaker</li> <li>-requires no vote, decided by chair</li> <li>-not debated</li> </ul>	<ul style="list-style-type: none"> <li>-to call attention</li> <li>-failure to observe rules</li> </ul>
<p><b>Lay on the Table or Remove from the Table</b></p> <ul style="list-style-type: none"> <li>-requires a mover and a seconder</li> <li>-requires a majority vote</li> <li>-not debated</li> </ul>	<ul style="list-style-type: none"> <li>- consider immediately</li> <li>• defer</li> </ul>
<p><b>Put the Previous Question</b></p> <ul style="list-style-type: none"> <li>-requires a mover and a seconder</li> <li>-requires a two-thirds vote</li> <li>-not debated</li> </ul>	<ul style="list-style-type: none"> <li>-limit amendment and force a direct vote on the main motion</li> </ul>

<p><b>The Main Motion</b></p> <ul style="list-style-type: none"> <li>- requires a mover and a seconder</li> <li>- requires a majority vote</li> <li>- may be debated</li> </ul>	<ul style="list-style-type: none"> <li>- the proposal before the meeting</li> </ul>
<p><b>Reconsider</b></p> <ul style="list-style-type: none"> <li>-requires a mover and a seconder</li> <li>-requires a two-thirds vote</li> <li>-only the advisability or propriety of reconsideration may be debated</li> </ul>	<ul style="list-style-type: none"> <li>-provide for another vote on a motion</li> </ul>
<p><b>Rescind</b></p> <ul style="list-style-type: none"> <li>-is a main motion</li> <li>-requires a mover and a seconder</li> <li>-requires a majority vote, if introduced with advance notice; otherwise, a two-thirds vote</li> <li>-may be debated</li> </ul>	<ul style="list-style-type: none"> <li>-annul a motion that has been passed</li> </ul>

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## 5 Committees

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### Types of Committees

There are several methods of handling matters that are brought before council for consideration.

1. The mayor may establish a **standing committee** for any matter the mayor considers would be better regulated and managed by means of such a committee [CC s. 141]. A standing committee considers matters that are referred to it, and reports to council with or without a recommendation.
2. Council may establish a **select committee** to consider or inquire into any matter, and report their findings and opinions to council [CC s. 142].
3. Council may sit as a **committee of the whole** and formally report to council its findings and recommendations.

The provisions of the *Community Charter* concerning open meetings apply to meetings of the committee of the whole, select committees and standing committees [CC s. 93].

### Appointment

The mayor appoints standing committees [CC s. 141], with at least half the members of each standing committee required to be council members.

Council appoints select committees [CC s. 142], and at least one member of each select committee must be a member of council.

### Delegation to Committees

Council may delegate certain of its powers, duties, and functions to council committees by bylaw [CC s. 154(1)].

### Approval of Committee Decisions

The proceedings of all committees are subject to the approval of the council, except where council delegates authority to a committee to exercise any of the powers of council, subject to restrictions or conditions that may be specified by the bylaw.

### Committee Procedures

Council must, by bylaw, establish the general procedures to be followed by council committees in conducting their business [CC s. 124(1)].

The procedure bylaw must set out the means of providing notice of committee meetings [CC s. 124(2)].

At times, in order to address urgent or emergent matters, council may decide to call a special meeting and waive the notice requirement by unanimous consent. In such cases, there is a danger that the public might not be aware of the special meeting. To minimize criticism of council's activities, consider posting notice of a special meeting even when the notice requirement is waived.

Minutes of all committee meetings must be kept and must be signed by the chair and open for public inspection [CC s. 124(2)(c)].

## Committee of the Whole

Council, by moving to committee of the whole, indicates intent to discuss a subject in a less formal manner than would be necessary during a council meeting. Any item of business may be discussed by the committee of the whole.

While many councils hold regular meetings of committee of the whole, a council may often move to committee of the whole during the course of a regular or special meeting of council.

Procedurally, on a motion of council to resolve itself into committee of the whole, the mayor or designate would step down and another member of council would be named chair of the committee. After the discussion on the item had concluded, the committee would “rise and report” back to council. The finding of the committee would be reported back to council formally, by way of recommendation.

Council could act on the recommendation or just record the report of the committee of the whole.

The formal minutes of a council meeting would record:

- (a) resolution to go into committee of the whole;
- (b) report or recommendation from the committee (making reference to the subject matter discussed); and
- (c) action taken by council, if any.

The committee of the whole itself cannot enact bylaws, only council members meeting as “council” in an open meeting can do so.

“Committee of the whole” should not be used when a meeting is intended to be closed to the public. Meetings closed to the public are proper meetings of council where members of the public and/or staff are excluded, held to deal with subjects that meet specific criteria set out in the *Community Charter* [s. 90]. (See Fact Sheet #4: Meetings)

*NOTE:* Related provisions for regional districts regarding Committees can be found under Part 6, Division 4 & 5 of the *Local Government Act*.

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## 6 Bylaws

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<b>Definition</b>	A bylaw is a document that formalizes a regulation made by a local government council or board.
<b>Required</b>	Bylaws are required by the <i>Community Charter</i> (CC) for a great number of purposes. If the <i>Community Charter</i> specifies that a thing must be done “by bylaw,” it may only be done by bylaw. If the <i>Community Charter</i> does not specify how a power is to be exercised, council or board may use a bylaw or a resolution.
<b>Anatomy of a Bylaw</b>	<p>A bylaw includes the following elements:</p> <ul style="list-style-type: none"><li>(a) Bylaw number</li><li>(b) Name of the local government</li><li>(c) Title or brief precis of the purpose [“A bylaw to ... ”]</li><li>(d) Recital clauses quoting authority [“Whereas ...”]</li><li>(e) Enactment clause [Now, therefore ...]</li><li>(f) Definitions (if necessary)</li><li>(g) Operative clauses/body of the bylaw</li><li>(h) Penalties (if any)</li><li>(i) Transitional clauses (if necessary)</li><li>(j) Repeal clauses (if necessary)</li><li>(k) Effective date</li><li>(l) Date of first, second, third readings and final adoption</li><li>(m) Signature of mayor and officer responsible for corporate administration</li><li>(n) Seal of the municipality (no longer required)</li><li>(o) Schedules (if necessary)</li><li>(p) Severance clause</li></ul>
<b>Adoption Procedures</b>	<p>Council must set out, by bylaw, the procedure to be followed in the passing of bylaws [CC s. 124 &amp; 135-140].</p> <p>A bylaw must have three readings and final adoption. The normal procedure on passing a bylaw is to introduce the bylaw and hold first, second, and third readings, all by resolution, at one meeting of council.</p>

The various “readings” are taken to mean:

- First Reading:     Tabling
- Second:            Discussion in principle
- Third Reading:    Final discussion including any changes
- Final Adoption:    Assent

Council cannot vote on the reading or adoption of a bylaw during a meeting that is closed to the public [CC s. 89(2)].

### Assent or Approvals

If a bylaw requires:

- voting by the electors or an alternative approval opportunity;
- the approval of the Lieutenant Governor in Council (Provincial Cabinet);
- the approval of the Minister; or
- the approval of the Inspector of Municipalities;

such approval must be obtained after third reading and before final adoption [CC s. 135(4)].

For land use bylaws that require a public hearing, the public hearing must be held after first reading and before third reading [*Local Government Act* (LGA) s. 465].

### Final Adoption: One Clear Day

There must be at least one day between third reading and final adoption of a bylaw [CC s. 135(3)]. If council has an urgent need to pass a bylaw they can hold three readings on a Monday, for example, and adopt the bylaw on the Wednesday. However, council cannot adopt the bylaw sooner than the Wednesday, as there must be one clear day between third reading and final adoption. There is no maximum limit on the time between third reading and final adoption.

The bylaw, when adopted, is signed at that meeting by the mayor or presiding member and by the officer responsible for corporate administration [CC s. 135(6)]. The officer may then affix the municipal seal to the bylaw, although this is not required.

### Effective Date

Any bylaw adopted by council becomes effective on the date it is adopted, unless the bylaw specifies a subsequent effective date. For example, council may wish to increase the water rates for next year, and to give the administration time to get everything in order, they may adopt the bylaw in November but make it effective January 1 of the following year [CC s. 136].

**Amending or Repealing**

The same power that applies to passage of bylaws and resolutions also applies to amending, repealing, consolidating, rescinding or revoking such bylaws or resolutions. Amendments can only be made by an amending bylaw, or in the case of a resolution, by an amending resolution, adopted by the council [CC s. 137].

**Municipal Code**

Section 138 of the *Community Charter* authorizes council to combine and revise bylaw provisions respecting any or all matters within municipal jurisdiction into a comprehensive general bylaw known as a Municipal Code.

**Consolidation & Revision**

Sections 139-140 of the *Community Charter* provide for the comprehensive consolidation and revision of municipal bylaws. These consolidations or revisions must be adopted by bylaw.

**Enforcement**

The *Police Act* [s.36] makes provisions for appointing bylaw enforcement officers. Enforcement officers are charged with the day-to-day administration of the bylaws that are under their jurisdiction. However, these enforcement officers are not authorized to waive or lessen bylaw requirements to accommodate special circumstances.

**Severability**

While a bylaw must be adopted as a whole, provision can be made for different sections of the bylaw to come into effect at different times.

**Quashing**

An action may be taken in court to quash (set aside) a bylaw or resolution, in whole or in part, for illegality [LGA Part 16 Division 1 and s. 425(1)].

Notice of an application to set aside a bylaw must be served to the local government within one month of the bylaw’s adoption and at least ten days before the hearing, with the following exceptions [LGA s. 624(4) and s.425(2)]:

- if the bylaw required elector assent, but council adopted it without assent, notice may be served any time after the bylaw was adopted, but must be at least ten days before the hearing [LGA s. 623(4)(a)]; or
- if the application pertains to a security issuing bylaw of a regional district, notice must be served within ten days of bylaw adoption and at least five days before the hearing [LGA s. 425(2)].

An application for a declaratory order relating to a bylaw, if brought on grounds of irregularity in method of enactment, or form, must be made within one month of adoption. Except in the case of a challenge based on adoption without assent, a declaratory order may be made only within two months of adoption of the bylaw [LGA s. 624].

## Grounds for Quashing

Some of the grounds for quashing or declaring bylaws invalid are:

### **Ultra Vires**

The *Community Charter* s. 114 gives council the necessary power to do anything incidental or conducive to exercising or performing its powers, duties and functions. The power must still be authorized, expressly or by necessary implication, by statute. For example, the power to issue stop work orders is not expressly stated in section 53 of the *Community Charter* (general authority in relation to buildings and other structures), but is considered incidental to exercising section 53 regulatory powers.

### **Bad Faith**

Bad faith can involve dishonesty, unfair discrimination, malice, and corruption; or sinister, spiteful or otherwise improper motives, such as targeting individuals or an unpopular group with a benefit or restriction rather than acting in the general interest of all residents. More subtle examples of bad faith would be attempting to circumvent a restriction on power or to do something indirectly that is not authorized directly; or otherwise acting beyond the powers or purposes set out in legislation. Failure to observe the rules of procedural fairness may also give rise to allegations of bad faith.

It is up to the person alleging bad faith to prove it. This task is easier where procedural fairness rules are violated and the common law rights of individuals are at stake.

### **Discretion**

Discretionary powers must always be exercised within the law. This includes bylaws, applicable statutes, regulations and common law doctrines. Bylaws should avoid uncertainty and any potential for arbitrary decision-making. For example, they should not state that something is “subject to the approval of council” or prohibited “except with approval or a permit from council.” A person who is subject to a bylaw should be able to easily understand what he or she needs to do to avoid breaching it or to obtain permission or benefit from it. Council cannot reserve, to itself, the right to make additional decisions on matters that are enacted, or should have been enacted, in the bylaw.

## **Discrimination**

Any power to discriminate must be expressly stated in authorizing legislation because the courts will not “read it in” as implicit. Authority to discriminate does not include violation of the *BC Human Rights Code*, which has priority over other enactments, or the *Canadian Charter of Rights & Freedoms*, which applies to local governments. Discrimination against unpopular groups or individuals or for an improper purpose will be seen as bad faith or an improper exercise of discretion. Examples of lawful discrimination include municipal fees (requires justification) [CC s. 194], service bylaws [CC s. 8(3)(a)] and zoning [LGA s. 479].

## **Improper Delegation**

Council cannot, in a bylaw, delegate council's authority to any other person if council is required to enact the legislation by bylaw. In other words, a council could not enact a subdivision bylaw that “all highways in a subdivision will be constructed to a standard specified by the municipal engineer” because council would be delegating to the engineer the right to set the standard to which highways within a subdivision must be constructed. The power to act by bylaw cannot be delegated to staff.

The *Community Charter*, s. 154, places general limitations on delegation of authority. Restrictions apply in other provisions throughout the Act. Authority may also appear in another Act, such as the *Motor Vehicle Act*, [s. 124(4)], whereby an officer or employee may make orders regarding certain matters [see also CC s. 36].

## **Uncertainty**

The wording of the bylaw is important. If the language is too vague, so that the average well-intentioned citizen would not be able to discern whether he or she was conforming to the bylaw, then the bylaw will be struck down, being too uncertain to be enforceable.

For example, a bylaw that referred to buildings “near a watercourse” was held uncertain because it required the discretion of the administrator of the bylaw to determine the meaning of “near”. A bylaw that measured a setback “from the road” was uncertain because there were a number of roads in the area and a specific road was not specified.

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## 7 Financial Planning & Accounting

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### Financial Plan (Budget)

Municipalities and regional districts must annually adopt, by bylaw, a five-year financial plan, which includes capital and operating items.

For municipalities, the financial plan must be adopted before the annual property tax bylaw is adopted (adoption of the property tax bylaw before May 15 is required) [CC s. 165; CC s. 197]). For regional districts, the financial plan must be adopted by March 31 [LGA s. 374]. In both cases, the financial plan may be amended by bylaw at any time.

Before adopting a financial plan, the council or board must have undertaken a process of public consultation regarding the proposed plan [CC s. 166; LGA s. 375].

For each of the five years in the financial plan, the plan must show:

- the proposed expenditures, including separate amounts for each of: interest and principal on debt, amounts required for capital purposes, the amount required for a deficiency, and the amount required for other purposes; and
- the proposed funding sources, including separate amounts for each of: revenue from property value taxes, parcel taxes, fees, and other sources, and proceeds from borrowing (other than revenue anticipation borrowing); and
- the proposed transfers between funds, including separate amounts for each reserve fund and accumulated surplus.

Regional district financial plans are based on individual services (i.e., the proposed expenditures, funding sources, and transfers noted above must be shown separately for each service).

Municipal financial plans must also describe the objectives and policies of the municipality for the planning period in relation to: the proportion of total revenue that is proposed to come from each funding source (e.g., property value taxes, parcel taxes, etc); the distribution of property value taxes among the property classes that will be subject to the tax; and the use of permissive tax exemptions.

### No Deficit

Proposed expenditures and transfers to other funds for a year cannot exceed the total of the proposed funding sources and transfers from other funds. In other words, the financial plan cannot show a deficit in any year.

If actual expenditures and transfers to other funds exceed the actual revenues and transfers from other funds (in other words, if there is a deficit), the deficiency must be included in the next year's financial plan as an expenditure.

<b>Emergencies</b>	Councils and boards may establish procedures to authorize and report on emergency expenditures. Once these procedures are in place, the municipality or regional district may make an emergency expenditure not contemplated in its financial plan. If emergency expenditures are required, the financial plan must be amended as soon as practicable after the expenditure has been made [CC s. 173; LGA s. 401].
<b>Limits on Expenditures</b>	The financial plan is the primary authority for the municipality or regional district to spend. The local government must not make an expenditure other than one authorized for that year in its financial plan or an emergency, as noted above [CC s. 173; LGA s. 401].
<b>Disqualification &amp; Liability</b>	Council or board members who vote for bylaws or resolutions that authorize the expenditure, investment or other use of money contrary to the provisions of the CC or LGA may be exposed to personal liability and to disqualification from office [CC s. 191; LGA s. 373].
<b>Financial Statements &amp; Audit</b>	<p>The financial officer must prepare financial statements, which must be presented to the council or board for acceptance [CC s. 167; LGA s. 373]. The council or board must appoint an auditor [CC s.169; LGA s.377], who must report on the financial statements [CC s. 171; LGA s. 377].</p> <p>Financial statements must be prepared in accordance with generally accepted accounting principles for local governments. These principles are established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada.</p>
<b>Separate Funds &amp; Consolidation</b>	<p>“Funds” are a way of segregating financial and accounting transactions. Separate funds tend to be used in order to keep track of how money from certain sources is used or to provide information about the cost of a particular service or activity and how those costs are recovered. A separate fund does not necessarily mean that money relating to the fund must be held in a separate bank account, although in some cases segregation in banking is either required or desired in order to simplify calculations such as interest earned on the funds.</p> <p><b>Reserve Funds</b> [CC s. 188; LGA s. 377], may be set up, by bylaw, to hold money for certain future purposes. The bylaw establishing the reserve fund will set out the purpose, which may be either operating or capital. Establishment of reserve funds is generally a local choice, although there are some circumstances where a separate reserve fund is required (for example, money received from the imposition of development cost charges or from certain property dispositions).</p> <p><b>Trust Funds</b> are set up for the purpose of accounting for money and/or property received and held by the local government as trustee, custodian or agent. A trust fund is usually in existence over a long period of time. Separate accounts should be maintained for the transactions in each trust fund.</p>

**Reserve Accounts.** Certain contractual arrangements may require that separate accounts be established. For example, a grant program may require separate accounting for grant funds. In addition, some local governments may choose to provide an internal accounting framework that further segregates portions of accumulated surplus into separate accounts according to local requirements and preferences (for example, many local governments provide for separate operating and capital accounts or will have separate accounts for certain services, such as water or sewer).

The accounting treatment providing segregation into such funds is for internal management purposes, and the financial and accounting reports produced may look very different from the audited financial statements. This is because the audited financial statements are presented on a consolidated basis, as required by the Public Sector Accounting Board (PSAB). Consolidation is essentially a method of adding together the various funds and reporting on them on an aggregated basis. The PSAB requirement provides for consolidation of most accounting transactions, although there are some exceptions to this general rule.

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# 8 Local Government Revenues & Expenses

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## Revenue Sources

Local governments obtain their revenues from these principal sources:

- Taxes on real property (land and improvements), including property value taxes and parcel taxes, as well as grants in lieu of taxes (neither the federal or provincial governments pay property taxes directly, but each pays grants in lieu of taxes on some of their properties) [see Fact Sheets #10 and #11 for further information on property assessment and taxation];
- Fees and charges for services, including such things as fees for use of local government facilities, fees for services such as water or sewer, and fees in relation to various regulatory activities, such as inspection and permitting;
- Developer contributions that help towards the cost of infrastructure needed to service future development, and may include development cost charges, latecomer agreements, development works agreements, and parkland acquisition charges; and
- Transfers or grants from other governments, which include both conditional and unconditional grants. Conditional transfers are payments to local governments that are restricted in some way, generally with respect to the use of the funding (e.g., funding must be used towards a specific project or program). Unconditional transfers do not have such restrictions, and local governments may choose where the funding will be used. The largest unconditional grant programs are the Small Community Grants and Traffic Fine Revenue Sharing.

## Expenses

Local governments may provide a range of services (e.g., policing, fire protection, parks, recreation, garbage collection, water supply, water treatment and distribution, sewage collection and treatment, and local roads) and are permitted to regulate in a number of areas (e.g., buildings, land use, business). Undertaking most of these services and regulatory activities is at the discretion of individual local governments, but if a local government chooses to provide the service or regulation, it will incur expenses in relation to the activity.

In general, the authority to incur an expense is derived from an approved financial plan [see Fact Sheet #7], however, there are also a number of legislative restrictions on certain types of expenses.

## Revenue & Expenses by Type

The following tables show the aggregated total revenues and expenses for all municipalities and regional districts for 2020. While these provide an overall breakdown of revenue and expenses for that year for all local governments, readers should note that the proportions of revenues and expenses in each of these categories may vary considerably between individual local governments.

Each local government will have a different mix of services that it chooses to offer and will make different policy choices about how to recover the costs of those services, which will result in considerable variation between local governments.

Revenue (2020)	Municipal	Percent	Regional Districts	Percent
Property Taxation & GIL	5,403,118,838	47%	673,467,130	27%
Sale of Services	3,234,225,021	28%	1,043,169,693	42%
Developer Contributions	1,100,934,056	10%	108,662,278	4%
Transfers	1,155,276,970	10%	536,290,188	22%
Other Revenue	613,345,006	5%	130,942,694	5%
<b>Total Revenue</b>	<b>11,506,899,891</b>	<b>100%</b>	<b>2,492,531,983</b>	<b>100%</b>

Expenses (2020)	Municipal	Percent	Regional Districts	Percent
General Government	992,341,859	11%	159,851,450	11%
Protective Services	2,340,413,912	26%	108,833,642	7%
Solid Waste Management & Recycling	356,482,933	4%	257,872,926	18%
Health, Social Services & Housing	87,198,852	1%	43,401,993	3%
Development Services	348,929,829	4%	48,609,682	3%
Transportation & Transit	865,273,131	10%	43,132,329	3%
Parks, Recreation & Culture	1,247,355,619	14%	190,855,072	13%
Water Services	617,592,302	7%	175,467,664	12%
Sewer Services	583,770,560	6%	217,030,006	15%
Other Services	249,450,309	3%	34,672,969	2%
Amortization	1,334,499,694	15%	193,247,846	13%
<b>Total Expenses</b>	<b>9,023,309,000</b>	<b>100%</b>	<b>1,472,975,579</b>	<b>100%</b>

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## 9 Policing

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### Police

Under the BC *Police Act*, the provincial government is responsible for providing policing and law enforcement to unincorporated/rural areas and municipalities under 5,000 in population. Also under the *Act*, a municipality with a population of over 5,000 is responsible for providing, and bearing the necessary expenses of, policing and law enforcement within its municipal boundaries. These municipalities may do so by forming their own municipal department, contracting with the provincial government for Royal Canadian Mounted Police (RCMP) municipal police services, or contracting with another municipality that has a municipal police department. The federal Canada Census is used for the purposes of determining when municipalities have crossed this population threshold.

There are currently 80 municipalities in BC responsible for providing police services within their municipal boundaries. Twelve (12) of these municipalities are policed by a municipal police department and sixty-eight (68) are policed by the RCMP. The rest of the province is policed by the RCMP through the Provincial Police Service.

### RCMP Federal Policing

The RCMP is Canada's national police service. Established under the *RCMP Act*, the RCMP serves as the federal police service, as well as provincial and municipal police services, where contracted to provide these services. The RCMP falls within the portfolio of the federal Minister of Public Safety, and operates under the direction of the RCMP Commissioner. As the federal police service, the RCMP enforces federal statutes across the province and is responsible for border integrity, national security, drugs and organized crime, financial crime and international policing.

### Policing Agreements

The following policing agreements provide for the provision of RCMP provincial and municipal policing in British Columbia:

1. In 2012, the provincial government signed a 20-year Provincial Police Service Agreement (PPSA) with the federal government to contract the RCMP as BC's Provincial Police Service. Under the terms of the PPSA and the *Police Act*, municipalities with a population under 5,000, rural and unincorporated areas of BC are policed by the RCMP Provincial Police Service, with the provincial government paying 70% of the cost-base described in the PPSA; the federal government pays the remaining 30%.
2. In addition to the PPSA, the provincial and federal governments signed a 20-year master agreement, the Municipal Police Service Agreement (MPSA), which enables the provincial government to sub-contract the RCMP Provincial Police Service to municipalities with populations over 5,000. The MPSA describes the terms and conditions for the provision of RCMP municipal police services.
3. To contract RCMP municipal police services, each municipality must sign a Municipal Police Unit Agreement (MPUA) with the Province.

The terms of the MPSA and the MPPA require that municipalities between 5,000 and 14,999 in population pay 70% of the RCMP cost-base, with the federal government paying 30% of the cost-base; municipalities with 15,000 in population and over pay 90% of the cost-base, with the federal government paying 10% of the cost-base. Municipalities are responsible for 100% of certain costs, such as accommodation (i.e. the detachment) and support staff.

### Police Agreements Governance

These agreements are governed by a national Contract Management Committee (CMC), and in BC a Local Government Contract Management Committee (LGCMC), to manage and administer the policing agreements. Collectively, these committees ensure information sharing processes to support communication and consultation on changes that may impact RCMP policing cost, quality, governance, or services.

### CMC

The national CMC meets biannually and acts as a steering committee that brings collaboration, informed decision-making and planning to the management of the police services agreements (PSAs) across contract policing jurisdictions. BC representatives, including a local government representative appointed by UBCM, communicate decisions and share information with local governments through the LGCMC.

### LGCMC

The LGCMC is comprised of representatives from throughout BC. This Committee serves as a forum for consultation, analysis, and communication between local governments and the Province regarding the management of the PSAs, under which the RCMP provide local police services in BC. The LGCMC distributes information to local governments about issues that may impact the cost, quality, governance, or capacity of the RCMP to deliver local police services. UBCM maintains a [webpage](#) that is dedicated to communicating RCMP contract policing issues that are relevant to local governments.

### Provincial Policing

BC has entered into a PPSA with the Government of Canada to contract the RCMP to act as BC's Provincial Police Service. The BC RCMP Provincial Police Service can be separated into two main categories: detachment policing and the provincial police infrastructure. Detachment policing provides local police services to municipalities under 5,000 in population, rural and unincorporated areas throughout the province by means of uniformed patrols, response-to-call duties, investigative services, community-based policing, traffic enforcement, and administrative support to provincial detachments. As of 2020, there were a total of 801 General Duty/General Investigative Service positions directly assigned to individual provincial policing jurisdictions.

In addition to detachment policing, the BC RCMP Provincial Service maintains the provincial police infrastructure which has the capacity and expertise to resolve high risk incidents; target organized crime, gang violence, and serial crimes; respond to existing and emerging crime trends; as well as provide security and policing services for large scale community events and emergencies. Under the umbrella of the BC RCMP Provincial Service, the provincial police infrastructure generally provides services to the entire province, including RCMP policed municipalities and municipalities with municipal police departments.

## Small Municipalities & Rural Area Costs

The Province provides police services in the 80 municipalities of less than 5,000 population, and in the rural/unincorporated areas. Both small municipalities and rural/unincorporated areas pay the *Police Tax*, which contributes to the costs of the provincial police services provided (i.e. a portion of General Duty [GD] and General Investigative Services [GIS] costs), but is not intended to cover the full cost of the service. In 2020, the Police Tax recovered 32% of the Province's estimated 70% share of rural and small community GD and GIS costs.

There are a number of ways in which the net *Police Tax* levied on local governments is reduced:

- Grants in lieu of taxes on properties that are owned by federal and provincial crown agencies.
- Traffic fine revenue (the current Traffic Fine Revenue Sharing Agreement between the Province and local governments sees 100% of all net traffic fine revenue transferred to local governments).
- If the Surveyor of Taxes or a local government has received payments in lieu of police taxes from the federal government and turned that money over to the provincial government, that amount is subtracted from the target requisition for that contributing area.

The final rural *Police Tax* rate is reduced by \$0.10 per \$1000 to compensate nationally for policing paid for through rural area tax revenues.

## Municipal Policing

### RCMP Municipal Policing

Sixty eight (68) municipalities have entered into an MPUA with the Province to sub-contract the RCMP Provincial Service to provide police services in their municipalities. As part of this Agreement, the RCMP operates regional and integrated detachments across the province. Integrated detachments are comprised of two or more provincial and/or municipal police units working from the same detachment building. A regional detachment structure allows for increased police integration, and for specialized and/or administrative police services to be delivered regionally.

### Municipal Police Departments

Currently, twelve (12) municipalities in BC receive their policing services from eleven (11) municipal police departments. The municipal police departments are: Vancouver, Victoria (polices Victoria and Esquimalt), Saanich, Central Saanich, Oak Bay, Delta, Abbotsford, New Westminster, West Vancouver, Nelson, and Port Moody. The City of Surrey is in the process of transitioning to its own municipal police department.

Municipal police departments are governed by the municipality's police board. The role of the police board is to provide general direction to the department, in accordance with relevant legislation and in response to community needs. Each police board is chaired by the municipality's mayor and consists of one person appointed by the municipal council and up to seven people appointed by the Minister responsible for ensuring an adequate and effective level of policing and law enforcement throughout BC. Board members are civilians. Municipal police departments are responsible for 100% of their policing costs.

In the case of the Victoria/Esquimalt police department, Victoria's mayor acts as the Chair, and Esquimalt's mayor acts as the vice-chair. The Police Act stipulates that if a police department is responsible for more than one municipality, that the municipalities must come to an agreement on who will act as the chair, and who will act as the vice-chair.

## First Nations Policing

The First Nations and Inuit Policing Program (FNIPP) provides culturally appropriate and responsive policing services through two main types of policing agreements: Community Tripartite Agreements (CTA) and Self-Administered Police Services Agreements (SAPSA). A CTA provides an enhanced policing service over and on top of the core policing received through the police of jurisdiction, while the SAPSA provides comprehensive policing to the community. To participate in the program, a First Nations community must enter into an agreement with Canada and the Province who jointly fund the program (Canada 52% and BC 48%).

The RCMP Indigenous Policing Services (IPS) provides enhanced policing services, in addition to core policing provided under the PPSA, to the 133 signatory First Nations communities in BC through 59 CTAs.

There is one SAPSA service in British Columbia, the St'atl'imx Tribal Police Service. This police service is a Designated Policing Unit under the *Police Act*, and is modeled after the structure of a municipal police department, with governance provided by a police board comprised of members selected from the St'at'imc communities served.

There are two additional Agreements that fall outside of the standard FNIPP CTA, and those are the Quadripartite Agreement and the First Nations Enhanced Policing Agreement.

The Quadripartite Agreement in British Columbia is a unique agreement where one Delta police officer is assigned to the Tsawwassen First Nation (TFN). The Delta officer provides dedicated support to TFN's policing needs, and often works closely with TFN staff members to ensure that police support is effective. The agreement includes the Province, the City of Delta, Delta Police Board, and TFN.

Lastly, there is the First Nations Enhanced Policing Agreement between the Province, Squamish Nation, Tsleil-Waututh Nation, and the West Vancouver Police Board, to establish the Integrated First Nations Policing Unit (IFNU). The IFNU's purpose is to provide culturally sensitive enhanced policing services to both Squamish and Tsleil-Waututh Nations, and is an integrated unit comprised of RCMP officers from North Vancouver and Squamish Detachments, as well as members of the West Vancouver Police Department.

**Further  
Information**

For details on the most recent RCMP contract, signed in 2012, see:  
<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/publications-statistics-legislation/publications/policing-agreements>

For a copy of the most recent Police Resources in British Columbia publication, see:  
<https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/statistics/bc-police-resources-2020.pdf>

For details on the Local Government Contract Management Committee, see:  
<https://www.ubcm.ca/EN/main/resolutions/policy-areas/community-safety/local-government-contract-management-committee.html>

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# 10 Assessment

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## The System

Property taxation depends upon two different but interrelated mechanisms:

1. Establishment of property values for land and improvements, which is the exclusive responsibility of the BC Assessment Authority (BC Assessment); and
2. Establishment of a tax rate which, when multiplied by the property value, will raise the appropriate amount of property taxes – see Fact Sheet #11.

## Assessments

Since 1974, BC Assessment has been responsible for preparing assessments for property taxation purposes. The *Assessment Act* describes the methods to be used in valuing and classifying property, the rules for providing assessment notices and assessment rolls to property owners and taxing bodies, and a framework for review and appeal of the valuation, classification, and exemption of property.

## Valuation

BC Assessment must establish the assessed value for all land and improvements in the province. The *Assessment Act* and its regulations set out the valuation methodology. Assessors take a number of factors into consideration in establishing the assessed value of a property (e.g., use, selling price of comparable land and improvements, revenue or rental value). In addition, the method of valuation may be different for different types or classes of property. For example, while property in Class 6 (Business and Other) is valued at market value, improvements in Class 4 (Major Industry) are valued on a cost less depreciation basis.

## Classification

BC Assessment classifies properties into one or more of the nine property classes set out in *Assessment Act* regulations. The following table sets out the classes and the total 2022 assessed value (actual value before exemptions) for each of the classes, in BILLIONS:

Class 1. Residential	\$1,893.08
Class 2. Utility	\$34.49
Class 3. Supportive Housing*	\$0.00
Class 4. Major Industry	\$10.70
Class 5. Light Industry	\$40.78
Class 6. Business and Other	\$380.58
Class 7. Managed Forest	\$1.32
Class 8. Recreational/Non-profit	\$73.02
Class 9. Farm	\$1.32

\*New class introduced in 2008. Properties in the Supportive Housing class are regulated at \$1 for land and \$1 for improvements.

As a general rule, the tax rate for all properties within a property class must be the same but tax rates for properties in different classes may be

different. Taxing jurisdictions customarily set different tax rates for each of the property classes – see Fact Sheet #11 for more information about setting tax rates for each assessment class.

## Exemptions

Property may be exempted in whole or in part from taxation. Exemption provisions are complex; some of the highlights are:

- A number of mandatory exemptions are provided in Division 6 of Part 7 of the *Community Charter* [s. 220-223]. For example, properties owned by the municipality, buildings used for public worship, and property of a public library.
- Properties owned by the Federal and Provincial governments and agencies are also exempt from taxation, although in many cases the government or agency will pay a grant in lieu of taxes.
- Some property owned by a utility company is exempt from general taxation but subject to a 1% utility revenue tax in lieu [LGA s. 644].
- Various other provincial statutes provide exemptions for certain properties, including: \$10,000 for each property in the business class, certain properties are eligible for exemption under the *Tourist Accommodation Relief Act*.
- In addition to these mandatory exemptions, municipalities have the opportunity to exempt certain properties (or portions of properties) from taxation. These types of exemptions are considered permissive, in that granting of the exemption is at the discretion of individual municipal councils. Authority for permissive exemptions, and the requirements relating to the exemptions, are set out in Division 7 of Part 7 of the *Community Charter* [s. 224-227]. Properties eligible for exemption are generally limited to those owned by not-for-profit organizations, although exemptions may be provided in very limited circumstances to other types of properties (e.g., property within a revitalization area).

## Assessment Rolls

BC Assessment produces assessment rolls annually. The assessor must, before October 31<sup>st</sup>, supply to each municipality a preview roll and estimate of the total assessed value of each property class within the municipality. On or before December 31<sup>st</sup>, the assessor must complete a new assessment roll containing a list of each property within a municipality or rural area and deliver a notice to each person named on the roll.

## Review & Appeal

The *Assessment Act*, Part 4, provides for the first formal level of appeal – the Property Assessment Review Panel (PARP). A Notice of Complaint (Appeal) must be filed with the assessor by January 31<sup>st</sup>. Panel hearings take place starting in February, and must be completed before March 16<sup>th</sup>. Hearings are conducted by Conference Call, with Online Evidence Submission. A formal Decision Notice is delivered by April 7<sup>th</sup> to all owners / appellants.

If a party is not satisfied with the decision of the PARP, the Decision Notice contains information on how to appeal to the second level, the

Property Assessment Appeal Board (PAAB) – Part 5 – *Assessment Act*. Appeals to the PAAB must be filed directly with the PAAB by April 30th. PAAB hearings may be resolved by Online Dispute Resolution, or appeal management, which may result in agreement of the parties without needing to proceed to hearing. The PAAB process takes place throughout the year, and sometimes extends into future years.

Further avenues of appeal may also be available through the Courts (i.e., BC Supreme Court, BC Court of Appeal).

The assessment roll reflecting the PARP changes, known as the Revised Roll, becomes the basis for taxation for the year. Further changes to the roll for that year (e.g., changes resulting from a PAAB decision) may occur after taxes have been imposed, in which case the tax liability for those affected by the change will require adjustment. These updates are processed by way of Supplementary Assessments, and taxing authorities will receive notification via feeds from BC Assessment.

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# 11 Taxation

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## Property Tax System

Real property (i.e., land and improvements) is subject to taxation from municipalities (within their boundaries) and the Province of British Columbia (Province) in rural unincorporated areas. These two taxing jurisdictions levy and collect property taxes for themselves and for other public authorities (e.g., schools, regional districts, regional hospital districts, BC Transit, TransLink, the BC Assessment Authority and the Municipal Finance Authority of BC). Property taxes levied are a product of the assessed value of the property and a tax rate to be applied to that assessed value. Assessed values are determined by the BC Assessment Authority (see Fact Sheet #10). Tax rates to be applied to these assessed values are set in accordance with a “variable tax rate” system. This fact sheet focuses on taxes levied by municipalities.

## Variable Tax Rate System

The system, introduced in 1983, allows properties to be classified into one of nine property classes for councils to set a tax rate and for the levy of taxes for municipal purposes. A tax rate is defined as an amount per each \$1,000 of assessed value. The tax rate may vary between property classes but must be the same for all properties within a class.

By considering a unique tax rate for each property class, council determines the appropriate share of taxes to be borne by each of the property classes (i.e., council decides not only the amount of tax to be raised in total but also the amounts that will be raised from each class of property).

## Financial Plan

The total amount of taxes to be raised for municipal purposes in a particular year will be determined by council and set out in its financial plan bylaw (i.e., the budget – see Fact Sheet #7). The financial plan bylaw must be adopted annually prior to adoption of the municipality’s annual tax rate bylaw. The financial plan must set out the projected revenue (including total property tax revenue) and expenditures for the upcoming year, plus objectives and policies of the municipality in relation to:

- the proportion of total revenue that is proposed to come from each funding source (e.g., property value taxes, parcel taxes, etc.);
- the distribution of property value taxes among the property classes that will be subject to the tax; and
- the use of permissive tax exemptions.

## Tax Rate Bylaw

Once the financial plan is adopted, council must determine how much of the projected taxation revenue will be provided by each of the nine property classes and set tax rates necessary to recover these amounts. Councils must adopt their tax rate bylaw before May 15<sup>th</sup> each year, after which officials prepare property tax notices, distribute them to property owners, and begin the process of collections.

In setting tax rates, council must decide what tax burden should be placed on each class (e.g., Residential, Businesses, and Light & Major Industry as defined by the legislation).

For example, if council wishes to raise \$200,000 of property tax revenue from the Residential Class (Class 1), and the total value of residential properties is \$10,000,000, then the tax rate would be set at \$20 per \$1,000 of assessed value (e.g.,  $(200,000 \times 1,000) / 10,000,000$ ).

The decision rests solely with the council, although its administrative staff will advise council of the total tax revenue that would result from any combination of tax rates that council might wish to consider. In setting tax rates, the council must consider the tax distribution objectives and policies it has set in its financial plan.

*NOTE:* Municipalities also levy and collect taxes for other public authorities (e.g., regional districts and regional hospital districts). The tax rates and/or ratios (relationship between tax rates for different property classes) for these other public authorities are usually set in legislation.

### Tax Rates

Tax rates are expressed in dollars per thousand of taxable property value. The tax levy on any property is the result of applying the tax rate to the taxable assessment. For example, if the tax rate set was \$20 per \$1,000 of assessed value, then an owner of a house and lot assessed at \$100,000 would pay \$2,000 in property taxes ( $\$20/1000 \times \$100,000$ ).

### Limits on Tax Rates

Municipalities have considerable legislative discretion to set a separate tax rate for each of the nine property classes. These rates reflect amounts needed by council to recover projected taxation revenue from the financial plan.

However, the Province has the authority to apply their own limits on tax rates and ratios (i.e., the relationship between the tax rate for one property class and other property classes). This authority is rarely exercised, but was used in 1997 to set limits on the Class 2 (Utilities) tax rates, and again in 2004 to set limits on municipal tax rates for certain port properties.

### Additional Tax Options

Due to rapid fluctuations in real estate prices (specifically in metropolitan land values) in the 1980s and 90s, municipalities were given the power to provide either an “averaged” or “phased” land value for municipal taxation purposes. Averaging and phasing may only be used with respect to land values for certain property classes.

Improvement values are not subject to phasing or averaging.

**Averaging** uses the average of the assessed values of land in the current year and the two preceding years and the assessed value of improvements in the current year. The formula is:

$$\text{Amount} = \text{averaged land value} + \text{assessed improvements value}$$

where:

- averaged land value = average of the assessed value of the land in the current year and the 2 preceding years;
- assessed improvements value = the assessed value of improvements in the current year.

**Phasing** is used to incrementally phase-in large land assessment increases. The calculation uses the assessed value of land in the current year minus a phasing reduction. The formula is:

$$\text{Amount} = (\text{assessed land value} - \text{phasing reduction}) + \text{assessed improvements value}$$

where:

- assessed land value = the assessed value of the land in the current year;
- phasing reduction = the amount determined by multiplying
  - a) the phasing percentage established by the assessment phasing bylaw, being not less than 50% and not more than 66%,by
  - b) the difference between
    - (i) the increase in the assessed value of the land in the current year from the previous year, and
    - (ii) the assessed value of the land in the previous year multiplied by the average percentage increase in the assessed value from the previous year to the current year of all land within the municipality included in the same property class;
- assessed improvements value = the assessed value of improvements in the current year.

Both averaging and phasing are subject to a number of regulatory requirements (e.g., municipality must give notice of its intention to use one of the options; municipality must establish procedures for property owners to make complaints). *Community Charter* s.198 and the Assessment Phasing and Averaging Regulation should be reviewed prior to use.

## Municipality as Tax Collector

For administrative ease, all taxes imposed (e.g., municipal, school, regional district, etc.) on a particular property are collected by one entity. For properties within rural areas, the Province, through the Surveyor of Taxes, collects taxes on behalf of all public authorities. For properties within municipal boundaries, the municipality takes on this collection role.

The amount of taxes collected by municipalities on behalf of other public authorities can be significant. In some cases, almost half of the overall tax bill for a property within a municipality can be for other authorities for non-municipal use.

Amounts being collected by the municipality for other authorities usually must be paid to that authority shortly after the tax due date, even if the municipality has not yet collected the tax from the taxpayer. There are some exceptions to this general rule, most notably with respect to school taxes levied on behalf of the Province. For school taxes, a municipality may choose to defer payment for school taxes uncollected at year-end.

## Home Owner Grants

A Homeowner Grant program introduced in 1957 offers grants to owner-occupiers of residential properties to offset part of their school property tax burden. In practice, the grants are paid by the Province directly to the tax collector on behalf of the property owners and are applied to school taxes first, then to municipal or other taxes. The Homeowner Grant threshold is currently \$1.975 million (2022). If the residential value or partitioned value of a property is over the threshold, the grant amount is reduced by \$5 for each \$1,000 of value over the threshold. The threshold is reviewed each year as part of the provincial budget process.

The Homeowner Grant amounts are:

Metro Vancouver, Fraser Valley and Capital regional districts

- Up to \$570 for the basic homeowner grant
- Up to \$845 for homeowners 65 years or older or homeowners with a disability or homeowners who are the spouse or relative of a person with disabilities who resides with the homeowner.

Remainder of BC (northern or rural areas)

- Up to \$770 for the basic homeowner grant
- Up to \$1,045 for homeowners 65 years or older or homeowners with a disability or homeowners who are the spouse or relative of a person with disabilities who resides with the homeowner.

## Tax Payment Calendar

The *Community Charter* provides a general tax collection scheme under which taxes are due on July 2<sup>nd</sup> and the Province sets penalties and interest rates for unpaid taxes [CC s.234]. Councils may also choose to offer an alternative tax collection scheme, under which it establishes one or more dates on which taxes become due and may establish discounts, penalties and interest in relation to taxes [CC s.235].

Under either scheme, certain statutory provisions apply to taxes that remain unpaid at the end of the year in which they were imposed, as follows:

- On December 31, Year 1: The unpaid taxes and penalty become taxes in arrear and bear interest at rates prescribed by the Province.
- On December 31, Year 2: Taxes in arrear become delinquent taxes and continue to bear interest at rates prescribed by the Province.
- On the last Monday in September, Year 3: Properties with delinquent taxes are subject to tax sale. The upset price is all taxes and interest outstanding plus 5% of these amounts plus fees prescribed under the *Land Title Act*. Any tax sale surplus money is payable to the owner if the property is not redeemed. The municipality may bid on the property at tax sale. If the property is not sold at tax sale the municipality is declared the owner.
- September, Year 4: In the year following the tax sale the property may be redeemed up to one year from the day the tax sale began if the owner repays the upset price, costs, any current taxes paid by the purchaser plus interest at the prescribed rate.

## Caution

There are many subtleties to the taxation process and the above is just an overview—the *Community Charter* and the *Local Government Act* should be thoroughly consulted.

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## 12 Capital Expenditures, Borrowing & Contracts

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- Methods of Capital Financing**
1. Annual Revenue
  2. Reserve Funds
  3. Leasing
  4. Partnering Agreements
  5. Borrowing

**Financial Plan** A municipality must annually adopt, by bylaw, a five-year financial plan. Among other things, the plan must show proposed expenditures, including capital expenditures, and the proposed funding sources for those expenditures (see Fact Sheet #7).

The financial plan should show the impact on future budgets of proposed liabilities or commitments (which may arise from capital spending or from leases or other commitments for equipment or facilities). It should also show how the local government intends to finance the future impacts.

**Liability Servicing Limits** A municipality cannot incur a capital liability if it would cause the total annual debt servicing cost to exceed the liability service limit prescribed by regulation [CC s. 174 & BC Reg. 254/2004]. The regulation sets the liability service limit at 25% of municipal revenues. The revenues used in the calculation relate to those that are primarily within the municipality's control, such as taxes and fees, unconditional grants and payments in place of taxes. Adjustments in the calculation are made for revenue from taxation of Class 4 properties (major industry) in some cases where a municipality is heavily dependent on this source of revenue.

The limitation applies to the cost to service all borrowing, leases, loan guarantees and general capital commitments that are of a capital nature. "Servicing" in this context means principal and interest on debt, lease payments or other commitments to repay the liability and related financing charges. Contractual payments under a partnering agreement would also be captured by the limitation if the payments relate to items of a capital nature.

A municipality may exceed this limit with the prior approval of the Inspector of Municipalities. Given the significance of the limit to the Municipal Finance Authority (MFA) and its credit rating, the Inspector has agreed to consult with the MFA prior to approving the excess.

**Capital Financing from Annual Revenue** Capital expenditures may be financed out of current revenue, provided that the expenditure is included in the financial plan. Any revenue source, so long as it is not otherwise restricted, may be used to finance capital items.

**Capital Financing  
from Reserve  
Funds**

Reserve funds may be established by council as a way of setting aside funding for certain specified purposes. While the purpose can be either operating or capital, reserve funds are often used to accumulate funding for future capital purposes [CC s. 188-189]. In addition to statutory reserve funds, capital projects can be financed from surplus.

Development Cost Charge (DCC) Reserve Funds are a specific type of reserve fund that must be established if a local government imposes DCCs. The *Local Government Act* sets out the framework for imposing DCCs for the purpose of providing funds to assist the local government to pay the capital costs of sewer, water, drainage, roads and parks that are incurred as a result of development. [LGA Division 19, Part 14].

**Capital Financing  
Through  
Agreements  
(Leases,  
Partnering  
Agreements)**

Capital assets (such as buildings and equipment) may be financed under an agreement, in which case a liability is incurred under the agreement. The *Community Charter* allows a liability under an agreement, provided that the liability is not a debenture debt and the period of the liability is not longer than the reasonable life expectancy of the service under the agreement [CC s. 175].

Liabilities under agreement are subject to the liability servicing limits noted previously, and may be subject to elector approval requirements. If the liability under the agreement is of a capital nature and the agreement is more than 5 years, or would be more than 5 years if a right of renewal or extension were exercised, then elector approval will be required. There are some exceptions to this general rule for certain types of liabilities and for municipalities with total liability servicing costs below a prescribed threshold [CC s. 175; Municipal Liabilities and Regional District Liabilities Regulations]. Common forms of liabilities under agreement include leases, P3 projects, and equipment financing loans from the Municipal Finance Authority.

Another form of agreement that may provide for capital assets is a partnering agreement. A partnering agreement is any agreement between a local government and a person or public authority under which the person or public authority agrees to provide a service on behalf of the local government. In some cases, a partnering agreement will include the provision of capital assets, which are financed by one of the parties under the agreement.

**Capital Financing  
Through  
Borrowing**

Capital projects may be financed by short-term capital borrowing or borrowing through a loan authorization bylaw (long-term borrowing). Choices between these two forms of borrowing will generally be based on the length of term of the debt, since short-term borrowing is limited to 5 years and long-term borrowing may be undertaken for up to 30 years.

### Short-Term Capital Borrowing

A municipality may borrow for 5 years or less for any purpose of a capital nature. The maximum that may be borrowed under these provisions is \$50 per capita. The servicing costs (principal and interest payments) of short-term capital borrowing are included in the liability servicing limits noted previously. The borrowing must be undertaken by bylaw approved by the Inspector of Municipalities [CC s. 178]. There is no requirement for elector approval to the bylaw.

### Long-Term Borrowing (Loan Authorization Bylaw)

Long-term debt may be used to finance capital expenditures or provide funding for a limited number of other uses (e.g., to lend to, or guarantee a loan of, a partner; to comply with a court order or judgment). All long-term borrowing must be undertaken through adoption of a loan authorization bylaw approved by the Inspector of Municipalities. The maximum term of the debt is the lesser of 30 years or the reasonable life expectancy of the capital asset or the term of any related agreement [CC s. 179].

Once a loan authorization bylaw is fully approved and adopted, a local government can undertake interim borrowing (during the planning and construction phase) under the authority of a "Temporary Borrowing Bylaw" under s.181 CC or s.409 of the LGA. This borrowing may then be rolled into debenture debt through a regional district security issuing bylaw under s.411 LGA. All security issuing is done through the Municipal Finance Authority (see Fact Sheet #13).

Most loan authorization bylaws require elector approval. There are exceptions to this general rule for certain types of liabilities (e.g., borrowing for court or arbitration costs) and for municipalities with total liability servicing costs below a prescribed threshold of 20% of the liability servicing limit as set under s.7 of BC Reg 254/2004 [CC s. 175; Municipal Liabilities and Regional District Liabilities Regulations].

Long-term borrowing for all municipalities (except Vancouver) must be undertaken through the regional district, which in turn borrows from the Municipal Finance Authority (see Fact Sheet #13).

### Revenue Anticipation Borrowing

The *Community Charter* allows borrowing needed to meet current expenditures. In this case, the borrowing relates to operating needs of the municipality (i.e., this is not a method to finance long-term needs or capital items). Revenue anticipation borrowing, while not included in the liability servicing limitation noted above, is limited in a different way. The municipality must not borrow more than the amount of unpaid taxes imposed during the current year and the money remaining due from other governments. If the borrowing takes place before the adoption of the property tax bylaw, the amount that can be borrowed is limited to 75% of the preceding year's tax levy. If there is revenue anticipation borrowing outstanding, revenue from property taxes must be used first to repay that borrowing [CC s. 177].

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## 13 Municipal Finance Authority

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*Contributed by the Municipal Finance Authority of British Columbia*

### Responsibility

The Municipal Finance Authority of British Columbia (MFA) was established in 1970 by the *Municipal Finance Authority Act*, to contribute to the financial well-being of local governments in BC.

Regional districts and municipalities in British Columbia are required to finance all long-term borrowing requirements through the MFA, and Regional Hospital Districts may also access financing through the MFA.

The City of Vancouver is the only municipality in the province that retains the right to issue its own securities to finance capital projects.

### Representation

The Province of British Columbia is divided into twenty-seven regional districts, each governed by a regional board consisting of representatives of its member municipalities, electoral areas, and in some cases, Treaty First Nations. There is one regional municipality (Northern Rockies Regional Municipality) that functions similarly to a regional district but is governed by a municipal council.

There are 40 members of the MFA who are appointed by the regional boards. The number of members a regional district is entitled to have on the MFA is based on the regional district's population.

The executive and administrative powers of the MFA are exercised and performed by a Board of Trustees consisting of the Chair and nine other members who are elected annually by the members. The Capital Regional District is guaranteed one trustee and the Metro Vancouver Regional District is guaranteed four trustees. The residual five trustees are elected from the remaining regional districts at large.

### Long-Term Borrowing Process

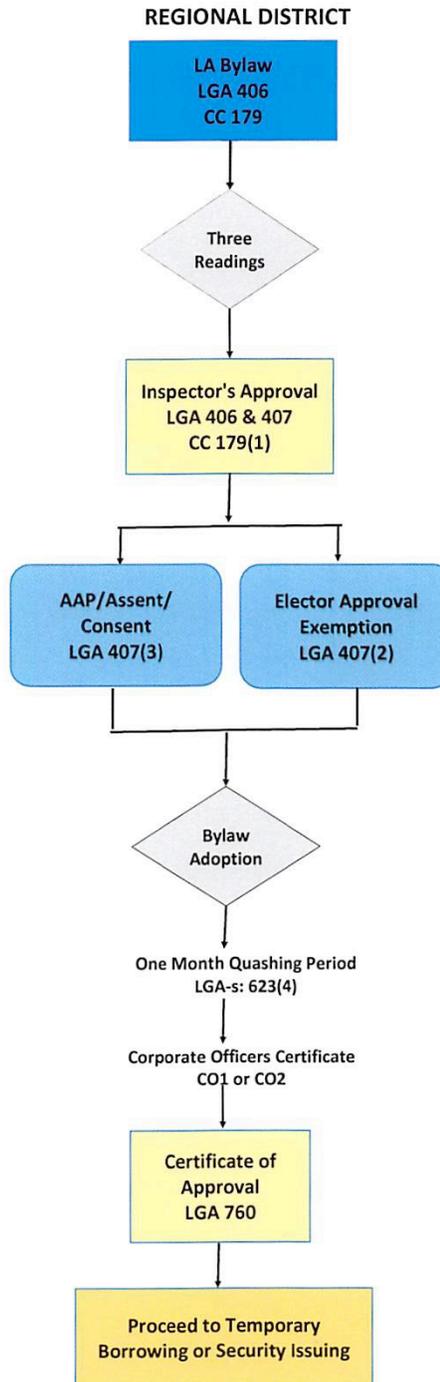
One of the MFA's key responsibilities is to provide long-term financing to local governments.

The *Community Charter (CC)* and the *Local Government Act (LGA)* require municipalities and regional districts to follow a robust approval process (taking up to a year) before long-term financing can be obtained.

Generally, borrowing requires a loan authorization (LA) bylaw, multiple approvals from the Inspector of Municipalities (a statutory position with the provincial Ministry responsible for local government), and elector approval through either an assent vote (referendum) or alternative approval process (AAP), although exceptions do apply.

The flow charts below and on the following pages outline the basic long-term debt approval process for both municipalities and regional districts.

## Loan Authorization Bylaw Procedures



Once the LA bylaw has been adopted and the Certificate of Approval (C of A) has been received, the local government may proceed to temporary borrowing (interim financing intended to be used during construction) or security issuing for long-term borrowing.

To access temporary borrowing, a temporary borrowing bylaw must receive three readings and be adopted by the council or board; no additional approvals are required.

As municipalities can only access long-term financing through their regional districts, when a municipality is ready for long-term borrowing, its council must pass a Municipal Security Issuing Resolution (MSIR), requesting its regional district to consent to its borrowing and to include the borrowing in a regional district Security Issuing (SI) bylaw. The regional district will review municipal requests for financing and, if acceptable, will adopt a SI bylaw.

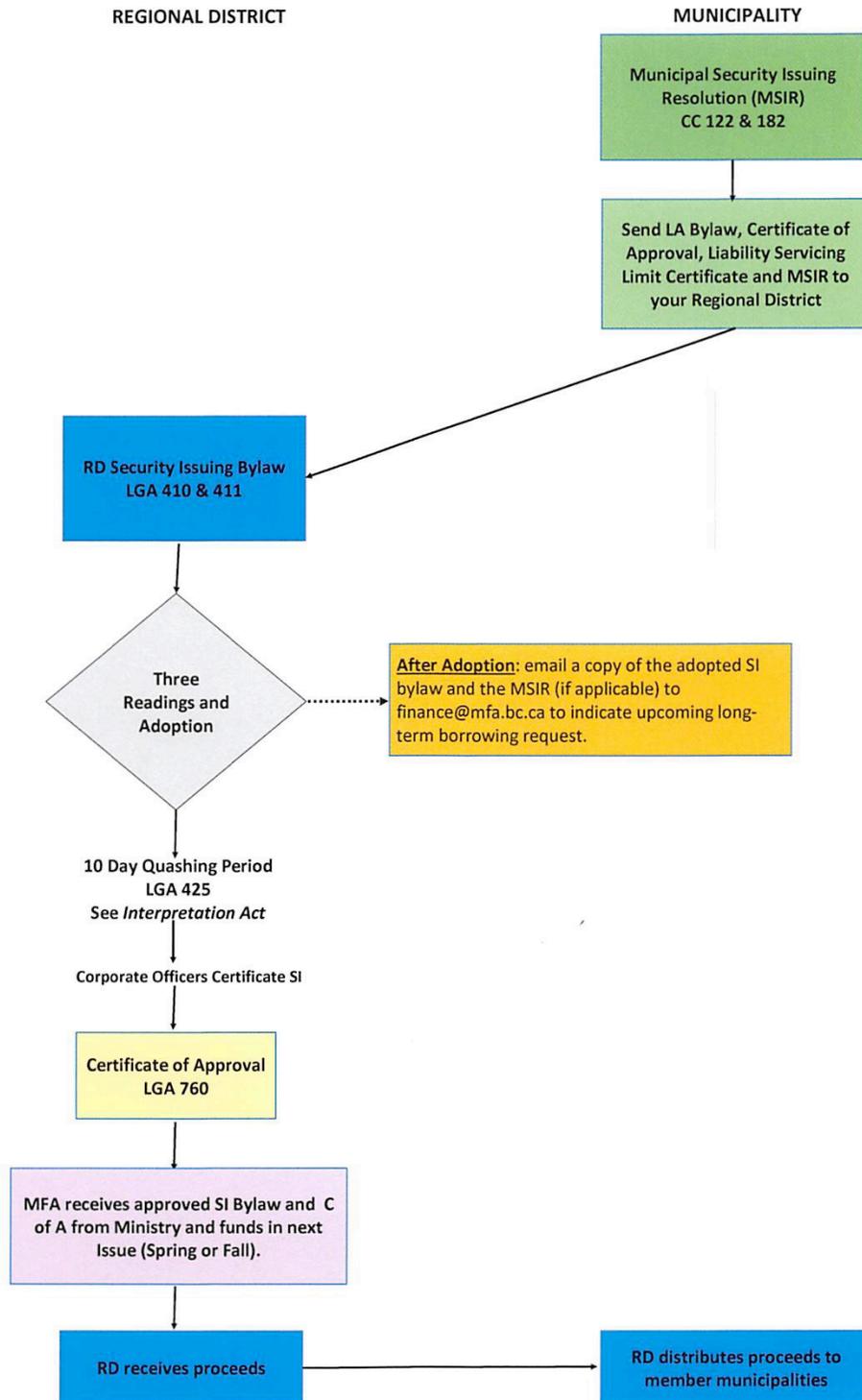
Regional districts do not require an MSIR, but they do have to include their own borrowing in a SI bylaw which authorizes the regional district to borrow from the MFA for a specific amount, term, and purpose.

After adoption, the regional district must wait 10 days to ensure the SI bylaw is not challenged in court and will then forward it to the Inspector of Municipalities requesting a C of A.

Once a C of A is issued, the bylaw and C of A are forwarded to the MFA, where they are added to the list of long-term borrowing requests from the other regional districts around the province. Twice each year, the requests are presented for review at the annual and semi-annual meetings of the members of the MFA.

The flow chart on the following page outlines the basic security issuing process for both municipalities and regional districts.

# Security Issuing Procedures



## Funding

Following member approval and after reviewing market and economic conditions, the MFA may authorize the issue and sale of securities in an amount sufficient to meet the long-term borrowing requests.

When the MFA receives the issue proceeds from investors, 1% of the proceeds of each funding request is deducted and placed in a Debt Reserve Fund. Payments equivalent to 99% of gross requests are then sent to the appropriate regional districts/regional hospital districts. The regional districts are then responsible for distributing the proceeds to participating member municipalities.

Interest on long-term debt is payable semi-annually and a principal payment is payable annually.

The MFA has the power to provide for the creation, management, and application of sinking funds or other means of securing the repayment of securities issued by the MFA, including the redemption by call of securities issued, subject to redemption in advance of maturity.

## Protection for Investors

As mentioned above, the MFA has a Debt Reserve Fund into which each regional district and regional hospital district sharing in the proceeds of a securities issue must contribute. Monies paid into the Debt Reserve Fund, and net income earned thereon, are obligations of the MFA to each regional district and regional hospital district and must be refunded to them when the final installments of their loans have been repaid.

If at any time the MFA lacks sufficient funds to meet principal or interest due on its obligations to the bondholders, it must utilize the Debt Reserve Fund, all or any part of which is available to satisfy the MFA's obligations, regardless of the sources of the monies in the fund. If payments are made from the Debt Reserve Fund, the MFA will recover such payments from the member involved, to restore the Debt Reserve Fund. If the Trustees think that payments made from the Debt Reserve Fund will not be recovered within a reasonable period, they may levy upon all taxable land and improvements in the province a tax sufficient to restore the fund to its required amount. It is mandatory for the Trustees to levy such a tax if the balance in the Debt Reserve Fund is less than fifty percent of the required amount. The Trustees' power to impose taxes does not require the permission or approval of any other governmental authority.

To date, there has never been a payment default, and the Debt Reserve Fund has never been utilized. The provincial government has undertaken to ensure that the Debt Reserve Fund will be maintained in accordance with the *Municipal Finance Authority Act* and the Inspector of Municipalities may inspect the fund from time to time and issue a certificate that it has been maintained at the proper level.

Monies in the Debt Reserve Fund may be invested within the guidelines outlined in the *Municipal Finance Authority Act*. Such investments must

mature or be callable within five years and at least 25% of the fund must be callable within 90 days. Equity investments are not permitted.

### Additional Protection for Investors

Limitations on the requisition limit for each regional district service are specified in its letters patent or service establishment bylaws.

The annual debt servicing costs (principal and interest payments for leases or other long-term liabilities and debt) which a municipality may contract is limited to 25% of certain annual, sustainable, own-source revenues as described in the *Community Charter* and the Municipal Liabilities Regulation. The Inspector of Municipalities must ensure that a proposed municipal borrowing will not cause the municipality to exceed its liability limit before approving a borrowing bylaw.

### Short-Term Financing

In 1990, the *Municipal Finance Authority Act* was amended to add short-term financing for regional districts and municipalities to the objectives of the MFA.

#### Participation

Participation in the short-term financing programs by local governments and public institutions is voluntary. The approval process and requirements vary by client type and the type of loan requested. For further information, contact [finance@mfa.bc.ca](mailto:finance@mfa.bc.ca).

#### Purposes for Which Short-term Financing May Be Approved

The MFA may provide financing for one or more of the following purposes:

- (a) temporary financing of capital projects (loan authorization bylaw and temporary borrowing bylaw required)
- (b) short-term capital borrowing up to five years (short-term capital borrowing bylaw required)
- (c) revenue anticipation borrowing (revenue anticipation borrowing bylaw required)
- (d) liabilities under agreement (Council/Board resolution required)

### Equipment Financing

This program replaced the MFA's former Leasing Program and is also voluntary. The Equipment Financing Program offers low, variable interest rates and a fixed monthly payment schedule to help finance equipment and vehicles.

Participation in the program is open to municipalities, regional districts, school districts, colleges, and universities. The approval process and requirements vary by client type and loan term. For further information, contact [finance@mfa.bc.ca](mailto:finance@mfa.bc.ca).

## Pooled Investments

The *Municipal Finance Authority Act* was amended in 1988 to extend the objectives of the Authority to provide short-term investment opportunities for regional districts and municipalities in BC by the establishment and operation of pooled investment funds.

The MFA currently offers 6 pooled funds: Money Market Fund and Government Focused Ultra-Short Bond Fund (investments of less than one year up to two years); Short-Term Bond Fund and Fossil Fuel Free Short-Term Bond Fund (investments from two to five years); as well as the Mortgage Fund (investments of three years or longer); and the Diversified Multi-Asset Class Fund (investments of 10 years or longer).

The MFA also offers three Pooled High Interest Savings Accounts to provide clients with competitive interest rates and full liquidity in safe and highly rated Canadian chartered banks (CIBC, National Bank of Canada and Scotiabank).

### Participation

Participation in MFA investment options is voluntary.

### Investment Activities

The investment activities of the funds are governed by the *Municipal Finance Authority Act* and a charter of investment policies, objectives, and guidelines.

**For further information on the Municipal Finance Authority of BC, please contact:**

Address        Unit 217 – 3680 Uptown Boulevard, Victoria, BC V8Z 0B9  
Phone         250-383-1181  
Website       [www.mfa.bc.ca](http://www.mfa.bc.ca)  
Email          [mfa@mfa.bc.ca](mailto:mfa@mfa.bc.ca)

Peter Urbanc, Chief Executive Officer  
Shelley Hahn, Chief Services Officer  
Matthew O’Rae, Chief Financial Officer

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# 14 Conflict of Interest

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## Policy

In order to maintain strong public confidence in the government and of administration of local governments, persons in elected office must be, and appear to be, free of conflict and from personal interest and benefit when carrying out their duties and exercising their authority. The rules apply to members of council and of regional district boards.

## Sources of Law

A. *Community Charter*, RSBC 2003, Chapter 26

(a) Disqualification for Conflict of Interest (Division 6)

Direct or Indirect Pecuniary Interest

A person is disqualified from continuing to hold office as a member of council or a regional board if he or she participates in the discussion of or votes on a question in respect of a matter in which the member has a direct or indirect pecuniary interest, unless the contravention was in good faith or through inadvertence. Good faith or inadvertence may not apply if the person deliberately chooses not to disclose a pecuniary interest or proceeds against legal advice that there is a pecuniary interest [s. 101-108].

(i) Declaration of Interest

If a member has a direct or indirect pecuniary interest or another interest that constitutes a conflict of interest they must not participate in the discussion of a matter or vote on a question in respect of the matter. The member must declare this and state in general terms the reason for the declaration and must not discuss or vote on the matter, must immediately leave the meeting and must not attempt to influence the vote in any way whether before, during, or after the meeting where the interest is disclosed [s. 100(2)].

(ii) Exceptions

No conflict exists if:

- the pecuniary interest is in common with electors of the municipality (or regional district) generally or where a local service is involved in common with others liable for the local service tax;
- the matter relates to remuneration or expenses payable to elected officials;
- the pecuniary interest is of a nature prescribed by regulation; or
- the pecuniary interest is so remote or insignificant that it cannot be reasonably regarded as likely to influence the Council member [s. 104].

(b) Disqualification (Other than for Conflict of Interest)

Many circumstances, other than conflict of interest, may lead to disqualification. These include:

- an employee of a municipality (as defined in the Regulations) is disqualified from holding office [LGA s. 81(2)];
  - failure to file a campaign contribution disclosure statement or filing a false or incomplete statement [*Local Elections Campaign Financing Act*];
  - commission of election offences listed in sections 161 and 162 [LGA] (vote buying, and intimidation);
  - failure to take the required oath of office [*Community Charter* s. 120(1.1) *Local Government Act*, s. 202(4)] or failure to attend four consecutive regularly scheduled council meetings, or being absent from council meetings for 60 consecutive days [*Community Charter* s. or absent from board meetings for the longer of 60 consecutive days or 4 consecutive regular meetings *Local Government Act*, s. 204(1)];
  - voting for a bylaw or resolution which authorizes the expenditure, investment or other use of money contrary to the *Community Charter* [*Community Charter* s. 191] or the *Local Government Act*;
  - violation of restrictions on use of inside or outside influence, restrictions on accepting and disclosure of gifts, disclosure of contracts [*Community Charter* s. 110(1)(c)]; and
- being convicted of an indictable offence (*Local Government Act*, s. 82.1.

(c) Removal from Office for Disqualification

- 10 or more electors or the municipality may bring an application to the Supreme Court for a declaration that a member is disqualified and the office is vacant; or
- council may, by resolution passed on a 2/3 vote of all council members, bring an application to the Supreme Court for a declaration that a member is disqualified and the office vacant.

In either case, the council member subject to disqualification must be served, and may appear and respond in the Supreme Court [s. 111].

## B. Common Law

A member must be aware of the trust principles (developed through court decisions), which require a high standard of conduct. While an elected official is not a trustee in the strict sense of the word, an elected official may not use public funds for personal benefit, or authorize payment of funds to someone not entitled to receive them. Like a trustee, an elected official is not to profit from his or her position or to be a judge in his or her own cause.

In addition to common law trust principles based on the fiduciary duty of a member of council to the municipality, s. 109 of the *Community Charter* creates an entitlement for any elector, or for the council to apply to the Supreme Court to compel any council members to pay to the municipality an amount equal to all or part of that council members financial gain arising from the conflict of interest, inside or outside influence, gifts, failure to disclose gifts, or contracts, and from use of insider information.

An elected official must be aware of basic principles of administrative decision-making. A member must have an open mind to the extent he or she is amenable to persuasion before voting on matters that involve public hearings on land use planning matters. Evidence of a closed mind could give rise to a court finding the member is biased such that the court may set aside the member's vote or, in some cases, the entire bylaw or resolution.

## C. *Criminal Code*, RSC 1985, Chapter C-46

Extreme conduct such as breach of trust, fraud, using the office for personal gain or accepting bribes may lead to criminal conviction [s. 121: accepting a benefit; s. 122: Breach of Trust by Public Officer; s. 123: Municipal Corruption].

## Typical Situations

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

### **Business Interests**

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

## Property Interests

If a member votes on a land use bylaw that makes his or her own property subdividable, or more or less valuable in any way, a conflict arises unless one of the exceptions apply, likely an interest in common with electors generally.

## Family Interests

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

## Membership on Boards of Society Directors or Corporate Boards

Competing loyalties may arise when an elected official sits as a member of a board or directors of a non-profit society or organization, and where questions or money arise, the conflict may be characterized as a pecuniary one. Conflicts may also arise where an elected official is on the board of directors of a corporation.

## Other Conflicts

In addition to pecuniary conflict, elected local government officials may have conflicts of interest arising from matters related to family relationships, close friends or even competing loyalties. The latter may arise when elected officials are involved in non-profit societies or organizations in an executive capacity. In such cases, there is automatically in law a clash of legal duties. Such conflicts not involving any direct or indirect pecuniary interest, while not giving rise to disqualification from office, are nonetheless conflicts, and may lead to disqualification of the councillor's vote on matters, and possibly to the setting aside of the bylaw or resolution involved.

## Consequences of a Conflict of Interest

1. A member may be held to account for any personal profit made as a result of any breach of trust in office.
2. A member may be disqualified and removed from office.
3. A member may be subject to *Criminal Code* proceedings (e.g., fraud, breach of trust, bribery, etc.).
4. A member's vote may be invalid on the matter (in some cases such a vote invalidates the bylaw or resolution).

## Financial Disclosure

### ***Local Elections Campaign Financing Act***

This legislation requires disclosure of campaign contributions and expenditures on or before the 90 days of general voting day (4:30 p.m. January 18, 2019).

*Consult the Local Elections Campaign Financing Act for actual requirements.*

### ***Financial Disclosure Act, RSBC 1996, Chapter 139***

Requires a candidate for office to disclose fully any corporate, business, or property interest held, in addition to naming all creditors, at the time of being nominated. If elected, similar disclosures must be made once a year thereafter, on or before January 15<sup>th</sup>. (A similar but not as comprehensive disclosure is required for designated local government employees not later than the 15<sup>th</sup> day following the month they become a local government employee and on or before January 15<sup>th</sup> in each year of their employment with the local government.) Persons who cease to be elected officials or local government employees, for reasons other than death, must file a written disclosure not later than the 15<sup>th</sup> day of the month following the month in which the person ceases to be elected or an employee.

*Failure to name such interests and profits is an offence liable on conviction to a fine of not more than \$10,000. The Court may also order the offender to repay to the local government the amount of the financial gain.*

*Consult the Financial Disclosure Act for actual requirements.*

### **Conclusion**

It is important to recognize the potential conflict **as it arises** so the member may seek advice on the appropriate course of action. If any conflict arises, it is not sufficient that the member take no part in the proceedings. He or she must declare his or her interest and exclude himself or herself from the place where the proceedings are being carried on during the applicable portion of the meeting. The open declaring of the interest, not attending the relevant portion of the council meeting, not participating in the discussion or vote, and not attempting to influence the vote in any way before or after the declaration are the statutory strictures designed to insulate the member from the statutory consequences of a conflict.

Updated August 2022

*UBCM thanks Stewart McDannold Stuart Barristers & Solicitors for their assistance in updating this Fact Sheet.*

# 15 Responsible Conduct

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## Responsible Conduct

Responsible conduct by local elected officials is essential to providing good governance, and is characterized by elected officials conducting themselves according to principles such as integrity, accountability, respect, and leadership and collaboration.

## Good Governance

Good governance includes:

- Providing for the stewardship of a community's public assets
- Providing services, laws and other matters for community benefit
- Acting in a way that is accountable, transparent, ethical, respectful of the rules of law, collaborative, effective and efficient

Good governance by municipal councils and regional district boards is based on a premise of productive conflict - an open exchange of conflicting or differing ideas in which parties feel equally heard, respected and unafraid to voice dissenting opinions as they work toward a mutually comfortable solution.

## Resources on Responsible Conduct

The Working Group on Responsible Conduct (WGRC) is a joint initiative of the Union of BC Municipalities (UBCM), the Ministry of Municipal Affairs, and the Local Government Management Association (LGMA). The WGRC's objective is to strengthen BC's responsible conduct framework by providing resources that support local governments.

### Foundational Principles of Responsible Conduct

<https://alpha.gov.bc.ca/assets/download/A4738EEBD66248838405642F26CE0B49>

A resource to guide the conduct of both individual elected officials and the collective council or board. The key principles included in this resource are integrity, accountability, respect, and leadership and collaboration.

### Forging the Path to Responsible Conduct

<https://www.ubcm.ca/sites/default/files/2021-08/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

A guide that presents practical ways for local governments to prevent conduct issues and deal with them if they do arise and includes a chapter on the general characteristics of conduct enforcement processes, and what to consider in their development.

## Code of Conduct

A code of conduct is a written document that sets shared expectations for conduct or behaviour. Municipal councils and regional district boards are required to consider adopting or updating a code of conduct within six months following a general local election. [*Community Charter (CC)* s. 113.1]

### **Model Code of Conduct: Getting Started on a Code of Conduct for Your Council/Board**

[https://www.ubcm.ca/sites/default/files/2022-10/Policy\\_Model\\_COC\\_Aug2022\\_UPDATED.pdf](https://www.ubcm.ca/sites/default/files/2022-10/Policy_Model_COC_Aug2022_UPDATED.pdf)

A template to help councils or boards get started on developing their own code of conduct. Also useful for councils or boards who wish to review or refresh an existing code of conduct.

### **Companion Guide: Getting Started on a Code of Conduct for Your Council/Board**

[https://www.ubcm.ca/sites/default/files/2022-10/Policy\\_Companion\\_Guide\\_Aug2022\\_UPDATED.pdf](https://www.ubcm.ca/sites/default/files/2022-10/Policy_Companion_Guide_Aug2022_UPDATED.pdf)

A resource for facilitating a council or board's conversations as they go through the process of developing their own code of conduct.

### **Legislation**

The *Community Charter and Local Government Act* set out the purposes of municipalities and regional districts, the roles and responsibilities of elected officials and specific obligations of the local government itself. Other legislation such as the *Workers Compensation Act* and the BC Human Rights Code require local governments to meet their obligations as employers to ensure the health and safety of their employees and to address and prevent inappropriate behaviour.

Updated November 2022

## 16 Regional Districts

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### Background

Legislation enabling creation of regional districts was introduced in 1965. There are currently 27 regional districts, covering the majority of the province, except for the Stikine region in the northwest and the Northern Rockies Regional Municipality in the northeast. Legislative powers and requirements for regional districts are set out mainly in the *Local Government Act*.

Regional districts are made up of municipalities, unincorporated areas (electoral areas), and treaty First Nations where applicable. The only exception is the Central Coast Regional District, which consists entirely of electoral areas. The individual jurisdictions that comprise a regional district work together to enable the organization to fulfill its purposes as service provider, administrative agency, and federation.

Northern Rockies Regional Municipality is incorporated under exceptional provisions, with a governance structure tailored to its unique geography. Covering a vast area, it includes the former Town of Fort Nelson, small rural communities, and significant dispersed resource extraction industries. The regional municipality performs a hybrid of functions normally held by regional districts and municipalities.

### Service Providers

First and foremost, regional districts are local government service providers. They exist to play three important service-related roles:

- (a) **Local:** They are the local governments for their electoral areas, responsible for providing basic local services such as community planning, water supply, fire protection and nuisance regulation.
- (b) **Inter-jurisdictional:** They are inter-jurisdictional service bodies that provide local government sub-regional services across jurisdictional boundaries to different combinations of municipalities and electoral areas.
- (c) **Regional:** They are regional service bodies, responsible for providing important regional services to their entire regional communities.

Regional districts establish and provide their local, sub-regional and regional services in direct response to the expressed needs, desires and instructions of the municipalities and electoral areas that comprise the region. The regional district board of directors, on which all electoral areas and member municipalities are represented, serves as the political forum in which these needs, desires and instructions are expressed.

There are certain services that every regional district is required by provincial law to deliver—general government administration, electoral area planning, and solid waste management planning are perhaps the most notable. The number of required services, however, is small, both in absolute terms and relative to the voluntary services most regional districts choose to provide, in keeping with the wishes of their members.

The range of voluntary services provided by different regional districts is vast. It includes water and sewer utilities, recreation programs and facilities, community and regional parks, libraries, regulatory services such as animal control and building inspection, emergency planning and fire protection, economic development and film industry promotion, regional growth management, airports and even television rebroadcasting. Some of these services are provided locally to individual jurisdictions, while others are provided to, and on behalf of, groups of municipalities and electoral areas that jointly choose to receive the services. Still others are provided regionally to every municipality and electoral area in the regional district. Any member jurisdiction or combination of jurisdictions can choose to provide services through their regional district.

## Administrative Agencies

The provision of services to, and on behalf of, their members is, as noted, the primary purpose of regional districts. In addition to service provision, regional districts are called upon by the Province to manage certain administrative functions. Two key examples are the processing of local government debt, and the collection of capital funds for hospital projects.

### Debt

In 1971, the provincial government created the Municipal Finance Authority (MFA) as the central borrowing agency for municipalities and regional districts. By law, all local governments, with the exception of the City of Vancouver, are required to borrow funds for capital projects through the MFA. Regional districts function as a critical part of the MFA system. All capital borrowing requests from member municipalities and from the regional district corporation itself must be coordinated and processed by the regional district before being forwarded to the MFA.

### Hospital Funding

All, or portions of, regional districts are designated under provincial law as regional hospital districts (RHDs) for the purpose of raising capital funds for hospital facilities in their areas. RHDs provide the local share (about 40%) of funding for capital costs associated with construction, acquisition and maintenance of hospital facilities and major equipment. These capital costs are shared with the health authorities according to criteria established by legislation. RHD boards are comprised of municipal and electoral area directors who are members of the corresponding regional district. There are 23 RHDs, some of which overlap regional district boundaries. Note that due to provisions in the South Coast British Columbia *Transportation Authority Act*, the Greater Vancouver Regional District no longer has a RHD (see Fact Sheet #19).

## Federations

Regional districts are federations of the various municipalities and electoral areas that exist within the regional district boundaries. With the exception of certain provincially-mandated duties, regional districts derive their authority to act from the municipalities and electoral areas that make up the region. These jurisdictions collectively decide what their regional districts should and should not do.

It is this reliance on their member jurisdictions for authority to act that makes regional districts distinct from regional governments in other provinces. Regional governments elsewhere are typically set up with exclusive legislated powers to provide specific services or take certain actions. In BC, the provincial government does mandate regional districts to undertake certain functions. On the whole, however, regional districts act only in response to the expressed needs and instructions of the individual jurisdictions – municipalities and electoral areas – that comprise them.

As noted, regional districts were first introduced in the mid-1960s. Numerous legislative changes that have occurred since that time have modified the way in which regional districts act, and the range of requirements placed on regional districts by the provincial government. The changes that have taken place, however, have not fundamentally altered the basic nature of regional districts. They continue to function as federations of member jurisdictions, in place to serve the needs and interests of their members.

### Regional Board Votes

The board of directors in every regional district is a collective decision-making body that acts through resolutions and bylaws. Before a resolution can be made, or a bylaw adopted, voting must occur. In municipalities, voting is a relatively straightforward matter: every member of council votes on every issue, and every member receives one vote. In regional districts, voting is not always so simple.

The general rule for voting on regional board issues is “one director, one vote”. However, there are circumstances where a “weighted vote” is employed. The weighted vote allows directors to have up to 5 votes and it is based on the population of the municipality or electoral area and the voting unit established for the regional district.

An example of how this works is shown in the example below, where a regional district has a voting unit of 2000. Note that in this example, the number of directors that a municipality or electoral area is entitled to is determined by dividing the number of votes by five. Therefore, municipality “A” is entitled to two directors. The available votes must be divided as evenly as possible between the directors. In this case, each director for municipality “A” will have five votes for issues that require a weighted vote.

	Population	No. of Votes	No. of Directors
Municipality “A”	20,000	10	2
Municipality “B”	4,000	2	1
Municipality “C”	1,500	1	1
Electoral Area “D”	500	1	1
Electoral Area “E”	3,900	2	1

Examples of situations where the one director, one vote is used include:

- Bylaws establishing new services
- Regulatory bylaws in relation to a service
- Regional board meeting procedures bylaw
- Election of chair

Examples of situations where the weighted vote is used are:

- Five-year financial plans
- Borrowing
- Acquisition, expropriation and disposal of property
- Liabilities under agreements

## Meetings

The timing of regular regional board meetings and procedures to be followed at meetings are established in a meeting procedure bylaw. Special meetings can be called by the chair or any two directors, by following the procedures in the legislation. All regional board meetings must be open to the public except for those specific situations outlined in the legislation where the public can be excluded.

Note that provisions relating to the conduct of local elected officials and some of the council procedure rules under the *Community Charter* apply also to regional districts. These provisions include open meeting rules, as well as ethical standards, disclosure of confidential information; disqualification of elected officials and elector approval processes, including the alternate approval process.

## Five Year Financial Plan

Regional districts are required to adopt a five-year financial plan by bylaw before March 31 in each year. A regional district is not authorized to make expenditures other than those included in the financial plan unless there is an emergency situation. Regional districts must not propose expenditures that exceed the proposed funding sources. Any actual deficit in a service must be included in the following year's financial plan as expenditure for the service. The regional board must undertake a process of public consultation regarding a proposed financial plan before it is adopted.

## Regional District Toolkit

The first and only edition of the Regional District Tool Kit was published in the fall of 2005.

It is a resource developed by UBCM in cooperation with the Ministry of Community, Sport and Cultural Development and the Local Government Management Association of BC to promote a better understanding of regional districts in British Columbia. It contains fact sheets, effective practices guides, discussion guides, a PowerPoint presentation and basic information booklet on regional districts. The Regional District Tool Kit is available from the UBCM office and can be accessed from the website.

## Islands Trust

In recognition of the special planning needs of the Gulf Islands, the Province created the Islands Trust in 1974. It is a federation of 13 islands with responsibility for land use planning in the Trust Area. The Islands Trust includes a conservation land trust called the Islands Trust Fund.

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and islands as far north as Comox. The area is approximately 5200 square kilometers in size and includes 13 major islands and over 450 smaller islands.

The Islands Trust is unique in that it operates under a provincial mandate (from the *Islands Trust Act*) to preserve and protect the natural environment and unique amenities of the Trust Area not only for residents, but for all British Columbians.

Like other communities in British Columbia, each of the 13 island communities elect their local representatives every four years. There are two Local Trustees elected for each major island group. Together with an appointed chair, they form a Local Trust Committee, responsible for land use planning within their respective Local Trust Area. This includes the adoption and administration of Official Community Plans, and of zoning and subdivision regulations. Within a Local Trust Area, the Local Trust Committee has all the power and authority of a regional district board for land use planning purposes. Permits, bylaws and works of regional district boards within the Islands Trust Area must be consistent with Local Trust Committee bylaws.

Bowen Island Municipality is the only island municipality within the Islands Trust Area and is responsible for all municipal functions, including land use planning. The *Islands Trust Act* states that the council of a municipality in the trust area must have regard to the object of the trust in adopting a bylaw or issuing a permit or license. The electors of the Bowen Island Municipality select which councillors will represent the Island on the Trust Council as part of the general local government election.

The 24 Local Trustees and two Municipal Trustees (from Bowen Island) form the Islands Trust Council, which makes decisions about overall policy, staff resources and budget.

The Trust Fund Board is a separate body of the Islands Trust, comprised of three elected trustees and up to three ministerial appointees. As an agent of the Crown, it acquires and manages land for conservation, holds conservation covenants and accepts donations to preserve places of natural significance or cultural value in the Trust Area.

Updated August 2022

# 17 Improvement Districts

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## Improvement Districts

Improvement districts are incorporated public bodies designed to provide local services such as water and fire protection to residents within a specified boundary. They share some of the same characteristics as other forms of local government such as their method of incorporation, and the powers to borrow, charge, and regulate the services they provide. However, they do not have the same powers as municipalities and regional districts to deal with broad community issues such as land use planning, and they are not included within the definition of a local government. As of January 1, 2022 there are 193 improvement districts in the province.

## Historical Development

Improvement districts were first established in the 1920s as a method to provide public management for several large irrigation systems in the Okanagan Valley. These systems had been under private management but did not have access to taxation powers.

For a number of years following their introduction, improvement districts continued to be incorporated to manage irrigation or domestic water systems and they were subject to the provisions of the *Water Act* and the *Water Utility Act*. Private water systems were also regulated by the same *Acts* and improvement districts became a convenient vehicle whereby private water systems could be transferred to public ownership when the utility owner became unwilling or unable to operate it.

Improvement districts were gradually given responsibility to administer other local services besides water. This occurred because municipalities were the only other vehicle for providing these services but they were not always a viable solution for small rural communities (regional districts were not created until the 1960s). Therefore, improvement districts became a convenient vehicle for providing other services besides water outside of municipal boundaries. In 1979, the legislation affecting improvement districts was removed from the *Water Act* and the *Water Utility Act* and transferred into what is now the *Local Government Act*.

## Incorporation

Improvement districts are incorporated by the Provincial Cabinet through a type of regulation known as Letters Patent. This is the same method used to incorporate municipalities and regional districts. Some of the provisions included in Letters Patent are the legal name of the improvement district, its boundary, a list of services (also known as “objects”) it may provide, and the number of its trustees and provisions for elections. The last improvement district incorporation was in 1995.

## Services

Of the 23 different services that improvement districts may provide the most common one is water. About 79% of all improvement districts have the authority to operate water systems, with the next most common services being irrigation, fire protection, and drainage. About 62% of all improvement districts are authorized to provide only one service. The most services being provided by a single improvement district is seven.

## Corporate & Other Powers

In addition to the services and powers conferred by their Letters Patent, an improvement district has all the powers of a corporation and is given wide financial, administrative, and regulatory powers under section 697 of the *Local Government Act*, as well as the power to make bylaws under section 698. Improvement districts also have authority to expropriate land or works [LGA s. 705].

## Connections

Improvement districts vary greatly in size. For example, the largest improvement district that delivers water services provides water to 8,187 connections, whereas the smallest one provides only seven water connections.

## Elected Representation

The affairs of each improvement district are directed by trustees who are elected for a three-year term by the eligible landowners within the improvement district. Typically, the smaller improvement districts have three trustees but the larger ones have five or more. The election of trustees takes place typically at an annual general meeting whose date is set by the trustees. Voter eligibility requirements and voting procedures differ from those for local governments in that voting eligibility requires you to be an owner of property. The terms of the trustees are staggered so that only one or two positions become vacant each year.

## Annual General Meeting

The purpose of the annual general meeting is to provide a report on the condition of the services, a statement of the financial condition of the improvement district, to have the landowners determine the trustees' remuneration and to elect trustees.

## Assessment & Taxation

Improvement districts can use taxes, tolls (user rates), and other charges to recover costs for the services they provide. Those that use taxation have the ability to base it on a number of different factors such as parcels, group of parcels, area, value of land or improvements or personal property, or any combination of them. Improvement districts must prepare, mail and collect their taxes, tolls, and other charges.

However, if an improvement district provides fire protection or street lighting, they have the option of having the tax levied and collected by the province on their behalf. Of the 40 improvement districts in this situation, almost all of them use the province to levy and collect their taxes. For improvement districts that levy and collect their own taxes, the Homeowners Grant does not apply and the due date does not have to be July 2. If improvement districts levy and collect their own taxes and a bill remains unpaid for more than 24 months, the improvement district can proceed to tax sale to recover the amount owing. If the

property is sold at tax sale, the one-year period of redemption does not exist like it does for municipalities, and the tax sale is absolute.

### **Finance**

Improvement districts may borrow funds from a financial institution by adopting a loan authorization bylaw and registering it with the Inspector of Municipalities. Unlike local governments, improvement districts cannot borrow through the Municipal Finance Authority.

### **Role of the Ministry**

The Ministry of Municipal Affairs has some oversight of improvement districts. Some bylaws passed by the trustees must be registered with the Inspector of Municipalities and the bylaws are not in effect until this approval is obtained. In addition, the audited financial statements and the minutes of the improvement district's annual general meeting are reviewed by, and filed with, the Ministry each year.

Updated September 2022

## 18 Public Hearings

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### Public Hearings Required

The *Local Government Act* requires councils and boards to conduct public hearings before adopting or amending Official Community Plans, rural land use bylaws, and zoning bylaws (with one exception that will be discussed below) [LGA s. 464]. Public hearings in many cases are considered a quasi-judicial function and so the elected members are required to act “as if” a tribunal. Councils and boards must hear all the information and then make a decision. Procedures governing these hearings are subject to:

- statutory requirements;
- rules of natural justice and procedural fairness when the statute is silent or incomplete; and
- other precedent-setting decisions of the courts.

Bylaws considered following public hearings have been successfully attacked in court because procedural requirements including the rules designed to ensure hearings are fair have not been followed strictly.

### Statutory Requirements

The statutory requirements for public hearings are set out in the *Local Government Act* sections 464 to 470. As a general rule, if a local government embarks on a hearing process in relation to matters such as development permits or development variance permits, which do not statutorily require a hearing, the hearing procedures described in these guidelines should be followed.

### Timing

Public hearings must be held after first reading and before third reading of the bylaw [LGA s. 465(1)]. Public hearings must be held again, with new notices, if the local government wishes to alter the bylaw so as to alter the permitted land use, increase the permitted density of use, or without the owner’s consent decrease the permitted density of use, or wishes to receive new information before adoption (with minor exceptions).

### Deciding Not to Hold a Hearing

A local government is not required to hold a hearing on a zoning bylaw that is consistent with an Official Community Plan [LGA s. 464(2)]. If the local government decides not to hold a public hearing in these circumstances, it must publish two notices in a local newspaper (unless the local government has passed a bylaw to provide for alternative means of publication, in which case notice must be published in accordance with that section); and if use or density of less than 10 owners is being altered, deliver a notice to the owners and tenants of property affected [LGA s. 466(7)].

### Delegation

A council may delegate the holding of a public hearing to one or more council members; and a regional board may delegate the holding of a public hearing to one or more directors and the persons to whom the hearing has been delegated must report back to the board before the bylaw is adopted [LGA s. 469; 465(6)] (see Fact Sheet #28).

## Notice Requirements

Two types of notice requirements are set out in the *Act* [LGA s. 466]. All public hearings must be advertised in a local newspaper in accordance with the *Act's* requirements, or advertised in accordance with a bylaw to provide for alternative means of publication of notices. In addition, written notice must be sent to all property owners and tenants subject to the proposal and other owners within a distance local government has determined by bylaw if land use or density is being altered. The requirement for written notice does not apply if the bylaw affects 10 or more parcels owned by 10 or more persons. Local governments may enact their own requirements for posting of a site that is the subject of a bylaw amendment.

## Disclosure

In addition to the proposed bylaw described in the formal notice, the local government must, prior to and at the hearing, make available to the public for inspection documents pertinent to matters contained in the bylaw, considered by the council or board in its determinations whether to adopt the bylaw, or which materially add to the public understanding of the issues considered by the council or board. There is no obligation to create information about the bylaw that would not otherwise exist.

The hearing must allow proponents of each side to have reasonable access to all relevant reports and materials provided by the parties over the course of consideration of the rezoning application including during the course of the hearing. If the local government has required an applicant to provide impact studies or similar material of a complex nature, the documents must be made available sufficiently in advance of the hearing to provide a reasonable opportunity for members of the public to review the material and prepare submissions on it (*Pitt Polder Preservation Society v. Pitt Meadows, 2000*).

## The Hearing

A public hearing provides an opportunity for the public, including individuals who believe their interest in property may be affected by a proposed bylaw, to speak or submit written comments on the bylaw [LGA s. 465(2)]. More than one bylaw may be considered at a hearing [LGA s. 465(4)]. A summary of the representations made at public hearing must be certified as correct by the person preparing the report and, where the hearing was delegated, by the delegated council member or director, and must be maintained as a public record [LGA s. 465(5) and (6)]. An inadequate report can jeopardize the adoption process: *Pacific Playgrounds Ltd. v. Comox-Strathcona Regional District* (2005). A public hearing may be adjourned from time to time without publication of notice, provided an announcement is made at the adjournment of when and where the hearing is to be resumed [LGA s. 465(7)].

### Voting after a Hearing

Council or board members absent from a hearing can vote on the bylaw provided they receive an oral or written report [LGA s. 470(2)]. After the public hearing, council or the board may, without holding another hearing on the bylaw, alter any matter before it finally adopts the bylaw [LGA s. 470(1)] except it cannot alter the use; increase the density; or decrease the density (without the owner's consent) of any area originally specified in the bylaw.

### Conflict of Interest & Bias

There are several situations involving conflict of interest and bias (see Fact Sheet #14) but the most likely in public hearings are:

- **Pecuniary:** A financial interest in the outcome of the case. For example, an elected official owns property that would be affected by the zoning bylaw.
- **Non-Pecuniary:** There is a personal but non-financial interest in the outcome. For example a close friend or a family member may be affected by the outcome.
- **Bias:** Having a totally closed mind prior to the public hearing; not being amenable to any persuasion.

### The Right to a Hearing

The *Local Government Act* requires that all persons who believe their interest in property is affected by the bylaw shall be given an opportunity to be heard. The rules of natural justice expand on the statute. Interested parties must not only be given the opportunity to be heard but also to present their case, subject to reasonable procedural rules such as the right of others attending the hearing to witness the presentation. They must also be able to comment on all material considered by the elected officials who are acting in the nature of judges. This means the council or board members must not communicate privately with any party in the hearing or consider material not available to the proponent or an interested party.

### Before the Hearing

Clearly, in court if the judge was interviewed by the press before the case and stated that his or her mind was already made up, no plaintiff or defendant in the case would feel the hearing was fair.

A case where this point was tested was in *Save Richmond Farmland Society v. Richmond*, where a councillor was alleged to have a closed mind and claimed before the public hearing that "council had made up its mind." However, the court held that a politician does not have to enter the hearing with "an empty mind." Elected officials are entitled, if not expected, to hold strong views on the issues to be legislated. Clearly, local elected officials are entitled before the hearing to individually listen to their constituents and their concerns.

## At the Hearing

At the hearing, the elected official's primary duty is to hear what all interested persons have to say about the bylaw (as defined in the Act as "all persons who believe that their interest in property is affected"). The hearing is not a forum in which elected officials should be debating among themselves or with the proponents or opponents; they should hear and (if necessary for clarification of a speaker's point) ask questions – council or board debate takes place after the hearing has closed. Elected officials should be reasonably attentive and considerate of the public; attention to non-relevant written material, mobile phones, laptops or tablets, and private discussions between officials, should be deferred until after the hearing or breaks called by the chair.

When in doubt as to whether a person has sufficient interest to be heard, hear them—it saves problems later and elected officials can decide how much weight in its deliberations it will give to someone who lives outside the municipality or as between someone who lives beside the site affected by a minor rezoning and someone who lives 3 miles away.

The meeting must be run in an evenhanded and fair way – for example in *Ross v. Oak Bay* (1965) the mayor asked the people not to speak unless they had something new to say that hadn't been said by previous speakers. This intimidated some members of the public and they didn't speak. The bylaw was struck down. Rhetorical or confrontational questions from members of council should also be avoided, as they can intimidate others who might wish to avoid the same treatment.

But if the hearing is rowdy and emotional, the Chairperson has considerable leeway to keep order, make reasonable rules governing the hearing and put speakers, interrupters and hecklers in their seats, again to ensure that others are not intimidated from participating [LGA s. 465(3)]. Speakers' lists and speaking time limits are commonly used in British Columbia, and have not been successfully challenged.

If the hearing has to be adjourned, it is sufficient to choose a time, place and date at the hearing before adjournment and announce it to those present; otherwise advertisement and written notice must be sent out again [LGA s. 465(7)].

## After the Hearing

After the hearing, the council/board, the council or board members, or committees may not hear from or receive correspondence from interested parties relating to the rezoning proposal. They can hear from their own staff, lawyers and consultants (*Hubbard v. West Vancouver, 2005*) but if they receive a delegation or correspondence they will be, in effect, reopening the hearing and will run the risk of having the bylaw quashed. Although a council or board is often tempted to pursue an outstanding or new issue after the hearing, the local government generally should not entertain new information or hear a party affected unless at a new hearing. The exceptions to this general rule should be considered carefully in the context of the circumstances of each case.

**The Public Hearing  
in the Official  
Community Plan  
(OCP) Adoption  
Process**

**Municipalities**

*Each reading of an OCP bylaw must receive affirmative vote of majority of all members.*

Consideration of Consultation Process

- Council (or its properly authorized delegate) must consider what consultation opportunities (in addition to the hearing) are appropriate in relation to the bylaw, and in particular whether certain named parties ought to be consulted and if so, how early and how often [s. 475 LGA].

Implementation of Selected Consultation Process

Consultation with School Board [LGA s. 476]

Consultation with ALR [LGA s. 475(4)]

First Reading (and/or Second)

- “Examine” OCP in conjunction with financial plan; and any waste management plan; then refer to Agricultural Land Commission if ALR.
- The OCP regional context statement should be referred to the Board.

**Regional Districts**

*Each reading of an OCP bylaw must receive affirmative vote of majority of all members entitled to vote.*

Consideration of Consultation Process

- Same

Implementation of Selected Consultation Process

Consultation with School Board [LGA s. 476]

Consultation with ALR [LGA s. 475(4)]

First Reading (and/or Second)

- Same

### Notice of Public Hearing

- 2 newspaper notices, the last appearing a minimum 3 days and a maximum of 10 days before the hearing (unless the local government has a bylaw to provide for alternative means of publication, in which case the notice must be published by at least one of the means specified in the bylaw a minimum of 3 days and a maximum of 10 days before the hearing).
- If use, density or less than 10 parcels owned by 10 persons are affected, written notice to be delivered 10 days before the hearing to affected properties.

### Hold Hearing

- Report to full council after if members absent or if delegated

### Second and/or Third Reading (or Defeat)

### Final Adoption

### Notice of Public Hearing

- Same

### Hold Hearing

- Report to full board after if members absent or if delegated

### Second and/or Third Reading (or Defeat)

### Final Adoption

### Caution

The subject of public hearings is a complex one subject to ever-evolving case law and the elected official with a particular concern is advised to consult a solicitor for specific advice.

Updated August 2022

*UBCM thanks Stewart McDannold Stuart Barristers & Solicitors for their assistance in updating this Fact Sheet.*

## 19 Statutory Officials

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<b>Statutory Officers</b>	The <i>Community Charter</i> and other Acts require councils and boards to appoint a number of officials. The duties of these officials are set out in the various Acts but their duties need not be limited only to these responsibilities. In most cases the official, while an employee of the local government, is responsible under the Act to carry out the specified duties and the council and board cannot direct them otherwise. In smaller local governments, one person may serve in several positions.
<b>Local Government Officers</b>	Under the <i>Community Charter</i> (CC) [s. 146 & 148-149] and the <i>Local Government Act</i> (LGA) [s. 233-234 & 236-237] respectively, councils and boards have general authority to establish <b>officer positions</b> with whatever titles they consider appropriate, and to assign powers, duties and functions to those positions. Officer positions must be established by bylaw, while the powers, duties and functions may be assigned to those positions by bylaw or by resolution, once the positions are established. Special rules apply to the termination of officers [CC s. 152 and LGA s. 241].
<b>Chief Administrative Officer</b>	A local government may create the officer position of <b>chief administrative officer</b> , which includes overall management of the administrative operation of the municipality or regional district [CC s. 147 and LGA s. 235].
<b>Corporate Administrator &amp; Financial Administrator</b>	Sections 148-149 of the CC and sections 236-237 of the LGA require one officer position be assigned corporate administration responsibility and one officer position be assigned financial administration responsibility. Corporate administration responsibilities include powers, duties and functions similar to those traditionally assigned to clerks (e.g., ensuring meeting minutes are prepared; keeping bylaws and other records; certifying documents; taking oaths). Financial administration responsibilities include powers, duties and functions similar to those of treasurers (e.g., receiving and expending monies; ensuring accurate records of municipality/regional district financial affairs; supervising all other municipal/regional district financial activity).  A small local government may create one officer position that is assigned both financial and corporate responsibility, rather than two separate positions filled by the same person.
<b>Collector</b>	The collector is the municipal officer responsible for collecting taxes, and conducting all the requirements of this function (as listed in the <i>Community Charter</i> ). Within unincorporated areas, the provincial government acts as the tax collector.
<b>Auditor</b>	Local governments are required to have an auditor who is not a direct employee of the local government, but is qualified under the <i>Business Corporations Act</i> [s. 205].

Duties include auditing all local government accounts and transactions and those of any administrative body handling local government funds.

The auditor gives a report on the annual financial statements to the council or board with a copy, if requested, to the Inspector of Municipalities [CC s. 171].

**Chief Executive Officer**

The mayor or board chair is the chief executive officer (as the case may be) [CC s. 116(1) and LGA s. 216(1)].

**Election Officers**

Local governments are required to appoint a chief election officer and deputy chief election officer for the purpose of conducting an election [LGA s. 58].

**Local Assistant to the Fire Commissioner**

All municipalities must appoint an official to be responsible for inspections – generally the fire chief but in smaller jurisdictions it may be another representative appointed by the fire commissioner [*Fire Services Act* s. 6]. If no local assistant has been appointed in an area of BC not in a municipality or the appointed local assistant has ceased to act, the members of the police force or police department stationed in the area are local assistants until another local assistant is appointed by the fire commissioner.

**Approving Officer**

Council must appoint an employee to approve subdivisions. Council sets the regulations for subdivisions but cannot direct the approving officer to approve or not approve a plan - the approving officer is responsible to the Province to carry out the duties as set out in legislation [*Land Title Act* s. 77].

In unincorporated areas and upon request, the Lieutenant Governor in Council may authorize a regional district board to appoint an individual as approving officer for the rural area within its jurisdiction [*Land Title Act* s. 77.1]. If a regional district does not assume responsibility for this function, a representative from the Ministry of Transportation is appointed by the Provincial Cabinet as the approving officer [*Land Title Act* s. 77.2]

**Freedom of Information: Head of Local Public Body**

A local public body (e.g., municipality), by bylaw or resolution, must designate a person or group of persons as head of the local public body for the purposes of this Act [s. 77 *Freedom of Information and Protection of Privacy Act*].

**Chair**

A regional district board chair and vice chair are elected at the first meeting after November 1 in each year. The chair has the same powers and duties in relation to the regional district as a mayor has in relation to a municipality [LGA s. 215-216].

Updated September 2022

## 20 Local Boards & Commissions

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**Local Authorities** Aside from local government, other local authorities in British Columbia include school districts, improvement districts, water communities, regional hospital districts, library boards and various other commissions and boards.

**School Districts** The province is divided into sixty (60) school districts. Each school district consists of a board of education, which is comprised of school trustees who are elected during the same election as municipal councillors and mayors, and regional district electoral area directors. The activities of these districts are subject to the *School Act*.

A school district or board is responsible for the improvement of student achievement in the school district. Subject to provisions of the *School Act*, regulations and to any orders of the Minister, a board must make available an educational program to all persons of school age who enroll in a school in the district [*School Act* s. 2]. A board may, subject to the orders of the Minister, open, close or reopen a school permanently or for a specified period of time [*School Act* s. 73]. A board is responsible for the management of the schools in its school district and for the custody, maintenance and safekeeping of all property owned or leased by the board [*School Act* s. 74].

**Improvement Districts** Improvement districts are local authorities responsible for providing local services to residents within a specified boundary. They vary considerably in size from small subdivisions to larger communities and are usually located in rural areas. They share some characteristics with municipalities and regional districts, but only provide direct local services, such as water and fire protection, rather than general governance or land use planning. Typically, an improvement district provides one or two services, which are financed by taxation or user fees.

Every improvement district is governed by a board of elected trustees (elected by area property owners), with one member acting as chair. The powers exercised by the trustees (to enact and enforce its regulations and charges, to assess and collect taxes, to acquire, hold and dispose of lands, to borrow money and to expropriate land) come from the improvement district's bylaws, the *Local Government Act* and other applicable statutes.

Over the years, many improvement districts have either incorporated as municipalities or have transferred the services they provide to municipalities or regional districts.

For more information on improvement districts see Fact Sheet #17.

**Water Users' Communities** A water users' community is a public corporate body incorporated under Section 51 of the *Water Users' Communities Act*, which is administered by the Ministry of Environment. Six or more different licensees may form a water users' community, each of whom hold their own licence(s) and who would benefit from the joint use of a system to

store and/or deliver water to their respective places of use [*Water Users' Communities Act* s. 51-52].

A water users' community may:

- (a) acquire, hold and control property and water licences;
- (b) acquire, construct, hold, maintain, improve, replace and operate works; and
- (c) levy assessments on its members and enforce payment of those assessments by suit in a court of competent jurisdiction [*Water Users' Communities Act* s. 52].

A manager conducts the business of a water users' community, as set out in resolutions passed at general meetings [*Water Users' Communities Act* s. 53].

The interest of each member of the community is directly proportionate to the maximum quantity of water that the member is entitled to divert and use under their licence [*Water Users' Communities Act* s. 54]. All matters to be determined at a general meeting are subject to a vote and are decided by a simple majority based on the interests of those members in attendance [*Water Users' Communities Act* s. 55].

A water users' community will require sums of money, on occasion, in order to install, maintain, operate, repair or replace the works or to pay debts. To collect the funds required, the manager may prepare an assessment roll showing his/her estimate of the monies needed and the amount payable by each member. The assessments must be proportionate to each member's interest in the community [*Water Users' Communities Act*, s. 56].

The Ministry of Health requires that any water users' community supplying drinking water must meet the requirements of the *Drinking Water Protection Act* and *Drinking Water Protection Regulation*. Specific provisions of the *Water Sustainability Act* also apply to a water users' community.

## Public Libraries

British Columbia's public libraries are established under the authority of the *Library Act*, which allows for the creation (and continuation) of several types of libraries. Local governments have specific roles and responsibilities depending on the type of library. Under legislation, each library type may vary in its governance, financial reporting expectations and board structure.

Municipal libraries, regional library districts, public library associations and integrated public library systems may provide library services. In BC, there are sixty-nine (69) locally appointed library boards and two regional district boards, all of which are accountable under the *Library Act*, to manage and direct public libraries. In addition, six library federations (with boards) coordinate regionally focused library services. The Ministry of Municipal Affairs is responsible for administering the *Library Act*.

Local governments fund the majority of public libraries' annual operating budgets. The provincial government provides \$14 million in various library grants each year.

## **Types of Public Libraries**

### **Municipal Library**

A municipal library board is appointed by council and is composed of one member of council, and residents or electors who are not members of council, municipal employees or employees of the library board [*Library Act* s. 5]. There are 30 municipal libraries in BC.

### **Regional Library District**

A regional library district board (called a regional library system) consists of a representative of each municipality and regional district that is party to an agreement to establish a regional library district. A municipal council must appoint one of its members to be a regional library district board member, and another member to act as an alternate. The regional district must appoint a director from the participating electoral areas to be a library board member, as well as one director to function as an alternate [*Library Act* s. 16]. A regional library district board is autonomous and functions independently of a regional district government. There are 3 regional library districts in BC (Vancouver Island Regional Library, Okanagan Regional Library and Fraser Valley Regional Library).

### **Public Library Association**

A public library association (PLA) is a form of library permitted to continue under section 31 of the *Library Act*. However, as of August 26, 1994, no new PLAs can be established. Residents in the locale for which the association was formed and residents in an area in which library service is provided are eligible to become library association members. Association members elect their PLA board from among themselves. A local government that provides funding to a PLA may appoint a person to that PLA board. A PLA may request the municipality or regional district in which it is located to assume responsibility for providing library services in its community [*Library Act* Part 4]. There are 36 PLAs in BC.

### **Integrated Public Library (a.k.a. District Library System)**

An integrated public library system is a regional district or an organization of regional districts that provides and maintains a library system. They do not have separate library boards. There are only two such entities in existence: the Cariboo and the Thompson-Nicola Regional District library systems. Under the *Library Act*, and as of August 26, 1994, no new integrated public library systems may be established [*Library Act* s. 60].

### **Library Federations**

A library federation is a group of library boards in a similar geographic area who come together to enhance and extend local library services, delivered through their respective libraries. A federation is administered

by a director (paid staff) and led by board members, who also serve on a local library board. Federation board members are appointed by their own library boards.

### **Library Boards**

A library board ensures libraries provide relevant, comprehensive, and efficient services. Board members represent their communities and determine a library's strategic directions and policies, employing a director to implement its plans and priorities, while monitoring and evaluating the implementation. A board works closely with its one employee, the director. The director, not the board, is responsible for the day-to-day operation of the library. The director is the interface between the board and staff, serving as the secretary to the board and as a staff manager. Library trustees may serve a maximum of eight consecutive years [*Library Act* s. 6].

## **Commissions & Committees**

### **Regional District Committees & Commissions**

A regional district board may decide to establish a commission or other body to provide advice or undertake some work on behalf of the board. Such bodies are generally used when the board does not have the capacity to undertake an initiative directly in those cases where subject matter experts are required or where specific community involvement is warranted.

A regional district board may appoint a select committee to inquire into or consider any matter and report its findings to the board, and the chair may establish standing committees for matters the chair considers would be better dealt with by committee. At least one member of each select and standing committee must be a director [*LGA* s. 218].

The regional district board can delegate some of its authority to the committee or commission. However, it cannot delegate authority to make a bylaw or any power or duty exercisable only by bylaw or other specified matters, such as any power or duty to terminate the appointment of an officer [*LGA* s. 229].

### **Municipal Committees & Commissions**

A mayor must establish standing committees for matters the mayor considers would be better dealt with by committee. At least half of the members appointed by the mayor must be council members. A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council. At least one member of a select committee must be a council member. In addition, a council may establish and appoint commissions to operate services, manage property or operate the enforcement of local government regulations [*Community Charter* s. 141-143].

A council may delegate some of its powers, duties and functions, to a committee or commission. However, there are certain functions that cannot be delegated such as the authority to make a bylaw, any power or duty exercisable only by bylaw, or any power or duty to terminate the appointment of an officer [*Community Charter* s. 154].

### **Advisory Planning Commission**

Some local governments feel that their land use planning decisions could benefit from receiving recommendations from an independent body composed of local residents. This can be accomplished by establishing an advisory planning commission. An advisory planning commission may advise the council on all matters respecting land use, community planning or proposed bylaws and permits that are referred to it by the council. A regional district can create an advisory planning commission for one or more electoral areas or portions of an electoral area, in which case the commission may advise the board or the applicable electoral area director.

At least two-thirds of the members of an advisory planning commission must be residents of the municipality or the electoral area. There is no length of term stipulated for members but the bylaw establishing the advisory planning commission often defines the term as well as the composition and method of appointment [LGA s. 461].

### **Board of Variance**

A municipal council or regional district board must establish by bylaw a board of variance if a zoning bylaw has been adopted. The role of the board of variance is limited to those functions and responsibilities set out in Division 15 of Part 14 of the *Local Government Act*. A person may apply to the board of variance for a minor variance if they feel compliance with the bylaw would cause them a hardship. For example, if a large rock in their yard made it a hardship to site the house in conformity with the normal setbacks, a person could apply for a minor variance.

The Council or board appoints members to the board of variance as per the *Local Government Act* s. 536-537. The local government is bound by the decisions of the board of variance, subject to court review. Council or the board cannot direct the board of variance in its decision making process.

### **Parcel Tax Roll Review Panel**

A parcel tax roll review panel is appointed by council under s. 204 of the *Community Charter* and deals with appeals on local parcel tax rolls.

There are also property assessment review panels and a property assessment appeal board appointed by the Province under the *Assessment Act* to hear appeals on the property assessment roll produced under that Act for property value taxes.

## Police Boards

Each municipality that has its own police force must have a police board. There are 11 municipal police departments in BC serving the following 12 communities: Abbotsford, Central Saanich, Delta, Esquimalt, Nelson, New Westminster, Oak Bay, Port Moody, Saanich, Vancouver, Victoria and West Vancouver. The RCMP serves all other BC municipalities and unincorporated areas (see Fact Sheet #9 for information on policing). There is also one Self-Administered Police Services Agreement (SAPSA) for the Stl'atl'imx Tribal Police Service.

Subject to the Minister's approval, the *Police Act* requires each municipal police department to have a board consisting of:

- The mayor who acts as board chair;
- One person appointed by the council; and
- Up to 7 people appointed by the Lieutenant Governor in Council.

The Ministry of Public Safety and Solicitor General is responsible for administering the *Police Act*.

Each police board is mandated to establish and operate a police department in their municipality responsible for enforcing bylaws and criminal and provincial laws, maintaining order and preventing crime. A police board sets the priorities, goals and objectives of its police department and develops the annual police department budget subject to approval by the municipal council [*Police Act* s. 26-27]. The police board is responsible for service and policy complaints related to its police department. It also receives complaints against the Chief and Deputy Chief Constables.

## Health Authorities

Health care services in BC are managed and delivered by six health authorities—a provincial health services authority and five geographic (regional) health authorities.

The five regional health authorities are:

- Northern Health Authority
- Interior Health Authority
- Vancouver Island Health Authority
- Vancouver Coastal Health Authority
- Fraser Health Authority

The Minister of Health appoints the board of directors for each health authority. Under the *Health Authorities Act*, regional health boards are responsible for:

- Developing and implementing a regional health plan;
- Developing policies, setting priorities, preparing and submitting budgets to the Minister and allocating resources for the delivery of health services, in the region, under the regional health plan;

- Administering and allocating grants made by the government for the provision of health services in the region;
- Delivering regional services through its employees or entering into agreements with the government or, other public or private bodies for the delivery of those services;
- Developing and implementing regional standards; and
- Monitoring, evaluating and complying with Provincial and regional standards.

The Provincial Health Services Authority (PHSA) is responsible for:

- Working with the five regional health authorities to plan and coordinate the delivery of provincial programs and highly specialized services, such as transplants and cardiac care; and
- Managing the organizations that provide health services on a province-wide basis (e.g., BC Cancer Agency, BC Children's Hospital, BC's Women's Hospital and Health Centre, BC Emergency Health Services).

### Regional Hospital Districts

Regional hospital districts (RHDs) operate under the authority of the *Hospital District Act*. RHD boards are comprised of municipal and electoral area directors who are members of the corresponding regional district. There are currently 29 RHDs, some of which overlap regional district boundaries.

A RHD's main function is to provide the local share (about 40%) of funding for capital costs associated with the construction, acquisition and maintenance of hospital facilities and major equipment in their areas. RHDs, through their regional districts, requisition property taxes to fund the local capital contribution. These capital costs are then shared with the Health Authorities.

Note that due to provisions in the *South Coast British Columbia Transportation Authority Act*, there is no RHD in the Metro Vancouver Regional District.

For information on regional districts see Fact Sheet #16.

Updated September 2022

## 21 Facts & Figures

Local Government Numbers & Population	Number	%	Population
Cities	50	26	3,605,450
District Municipalities*	51	27	901,174
Towns	14	7	99,024
Villages**	43	23	49,967
Island Municipality	1	<1	4,222
Regional Municipality	1	<1	4,365
Indian Government District	1	<1	730
<i>Sub-Total</i>	<i>161</i>	<i>85</i>	<i>4,664,932</i>
RD Unincorporated Areas	29	15	***549,873
<b>Total</b>	<b>190</b>	<b>100</b>	<b>5,214,805</b>

Adapted from 2021 estimates in “Municipal and sub-provincial areas population, 2011-2021”:

<https://alpha.gov.bc.ca/assets/download/7C93FBB8DB234266A19A57601FE36E3D>

\* includes Resort Municipality of Whistler

\*\* includes Sun Peaks Mountain Resort Municipality

\*\*\* includes unincorporated areas of regional districts, as well as the Stikine Region and unincorporated areas of Northern Rockies Regional Municipality.

### Classes of Municipalities

Villages: population less than 2,500

Towns: population between 2,501 and 5,000

Cities: population over 5,000

Districts: large geographic areas (over 800 hectares) with low population density (fewer than five persons a hectare) [s. 10 LGA]

Please note that the above criteria are not applied strictly, and there are:

- Cities with populations of 4,000 and even less than 1,000;
- Towns with populations of just over 10,000; and
- District municipalities with higher population densities.

### Employment

Total employment by local governments in BC is estimated to be approximately 44,608\*.

\*Estimate based on self-reported figures from local governments.

**Elected Officials**

Mayors	160
Councillors	*870
<i>Subtotal: Municipal Officials</i>	<i>1,030</i>
Electoral Area Directors	158
Islands Trust Trustees	26
<i>Subtotal: Non-municipal Officials</i>	<i>184</i>
<b>Total</b>	<b>1,214</b>

Source: CivicInfo BC 2022 Local Election Results.

<https://localelections.ca/>

\* Includes the Sechelt Indian Government District’s 5-member Advisory Council.

**Regional Boards Composition**

Regional District Boards (including Islands Trust)	28
Municipal Directors from 161 municipalities*	230
First Nation Directors	7
Electoral Area Directors	158
Islands Trust Trustees	26
<b>Total Number of Directors</b>	<b>421</b>

\* Some municipalities have more than one director because of their population (see Fact Sheet #16 – Regional Districts). Also note that the Sechelt Indian Government District does appoint one voting Director to the Sunshine Coast Regional District.

**Council Sizes**

Size of Council (Mayor & Councillors)	Number of Municipalities
* 5	61
7	88
9	12
11	1
<b>Total</b>	<b>162</b>

Source: CivicInfo BC 2022 Local Election Results.

\* Includes Sechelt Indian Government District.

**Community Size & Representation**

Municipal Population	Number of Municipalities	Number of Elected Officials
< 1,000	29	149
1,000 – 1,999	18	94
2,000 – 4,999	34	208
5,000 – 9,999	20	134

10,000 – 24,999	29	203
25,000 – 49,999	11	77
50,000 – 99,999	8	60
100,000 – 199,999	8	70
> 199,999	4	38
<b>Total</b>	<b>161</b>	<b>1033</b>

Adapted from 2021 estimates in “Municipal and sub-provincial areas population, 2011-2021”:

<https://alpha.gov.bc.ca/assets/download/7C93FBB8DB234266A19A57601FE36E3D>

Includes Sechelt Indian Government District.

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## 22 Glossary

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<b>Apportionment</b>	Means the allocation of the annual net cost of a service among the participating member municipalities in a regional district. Such allocation is necessary for determining the contribution that each member municipality must raise in order to support the service. Defined areas within an electoral area may also be participants. Unless otherwise specified in the establishing bylaw, <i>Local Government Act</i> (LGA) s. 380 to s. 384 provides for the default method of allocation to be on the basis of the converted value of land and improvements in the service area.
<b>Board of Examiners</b>	Appointed under LGA s. 754 and responsible for certification of standards of proficiency in local government administration, service delivery, statutory administration (corporate and financial administration), and executive management. Comprised of three members appointed by the Lieutenant Governor in Council on the recommendation of the minister, for a term of three years or until their successors are appointed.
<b>District Municipalities</b>	An incorporated area that is greater than 800 hectares and has an average population density of less than five persons per hectare. Are given authority to undertake drainage projects through LGA section 639.1. Includes a township.
<b>“E” Division</b>	The RCMP Division for British Columbia.
<b>Electoral Area</b>	An area within an unincorporated or rural area of a regional district, as specified by the letters patent for the regional district.
<b>Electoral Participating Area</b>	An area within a service area that is all or part of an electoral area.
<b>Elector</b>	Means a resident elector or non-resident property elector of a municipality or regional district electoral area.
<b>Fiscal Year</b>	The Province's fiscal year is April 1 to March 31—commonly expressed as, for example “2017/18 fiscal year”. The municipal or regional district fiscal year is the calendar year.
<b>General Local Elections</b>	Refers to local government elections held every four years (2022, 2026, etc.) [ <i>Community Charter</i> (CC) s. 81.1].
<b>Inspector of Municipalities or Inspector</b>	Appointed by Cabinet, the Inspector may make inquiries concerning the conduct of local government [LGA s. 758]. The Inspector may also approve financial bylaws (e.g., loan authorization, security issuance).
<b>Lieutenant Governor in Council (LG in C)</b>	The provincial Premier and Cabinet.
<b>Ministerial Order</b>	A determination or regulation of a minister. It is distinguished from a regulation in that it does not require Cabinet approval.

<b>Municipal Participating Area</b>	An area within a service area that is all or part of a municipality.
<b>Non-Conforming Use</b>	Where land, a building or a structure is lawfully used at the time a bylaw is adopted that would make the use unlawful, that use may be continued as a "non-conforming" use. Where the use is discontinued for a period of six months, any subsequent use must comply with the new bylaw unless the discontinuance is part of normal seasonal or agricultural practices [LGA s. 528].  Special rules govern: <ul style="list-style-type: none"> <li>• non-conforming building under construction;</li> <li>• alteration or additions to non-conforming uses;</li> <li>• extension or repair of non-conforming uses.</li> </ul>
<b>Order in Council</b>	Term used to describe Cabinet orders or regulations.
<b>Participating Area</b>	A municipal participating area, a treaty First Nation participating area, or an electoral participating area, which participates in the use and funding of a service of a regional district.
<b>Regional Board</b>	Means the governing and executive body of the regional district (Part 6, Division 1 of <i>Local Government Act</i> ).
<b>Regional Municipality</b>	Applies to the only regional municipality in BC: Northern Rockies Regional Municipality. This municipality is classified as a District and has certain powers of a regional district for the purpose of some statutes.
<b>Regional District</b>	A geographic area of the province incorporated under Part 6 of the <i>Local Government Act</i> for the purpose of exercising powers conferred under the Act or other enactments, and consisting of municipalities and electoral areas.
<b>Regulations</b>	Acts commonly provide that Cabinet may make regulations. These have the effect of law and generally contain the details with regard to implementing the intent of the statute. Sometimes regulations are used to bring Acts into force.
<b>Service Area</b>	An area in a regional district within which a service is provided. It may comprise one or more participating areas.
<b>Statute</b>	An Act of the provincial or federal government.
<b>Surveyor of Taxes</b>	The Provincial property tax collector for rural (unincorporated) areas, appointed under the <i>Taxation (Rural Area) Act</i> .
<b>Treasury Board</b>	A Cabinet committee with responsibilities including budgetary review, chaired by the Minister of Finance.

## Unincorporated Areas

Synonymous with the electoral areas of regional districts; the areas within regional districts that are not included in any municipality.

### Some Common Abbreviations

ALR	Agricultural Land Reserve
APC	Advisory Planning Commission
BCAA	BC Assessment Authority
CC	Community Charter
CHC	Community Health Council
DCC	Development Cost Charge
GFOA	Government Finance Officers Association of BC
HOG	Home Owner Grant
LGA	Local Government Act
LGMA	Local Government Management Association
MEVA	Municipalities Enabling and Validating Act
MFA	Municipal Finance Authority
MIA	Municipal Insurance Association
OCP	Official Community Plan
OIC	Order in Council
OSP	Official Settlement Plan
RHB	Regional Health Board
RHD	Regional Hospital District
SLP	Supplementary Letters Patent
UBCM	Union of British Columbia Municipalities
UREP	Provincial land reserved for the "Use, Recreation and Enjoyment of the Public"

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## 23 Local Government Calendar

Refer to the *Community Charter*, *Local Government Act*, or other legislation referenced on all matters. See [www.civicinfo.bc.ca](http://www.civicinfo.bc.ca) for up-to-date calendar information.

Jan 1, 2023	In the year a tax rate/parcel tax bylaw is adopted, date on which property/parcel taxes are imposed, unless otherwise specified.	[197(7), 200(5) CC]
Jan 1, 2023	Taxes imposed under Improvement District Bylaw are deemed levied and owing from Jan 1 unless otherwise specified.	[714(4) LGA]
Jan 1, 2023	Interest rates for refunds of tax overpayments, municipal tax sale money; and on taxes in arrear or delinquent are set Jan. 1, April 1, July 1 and Oct. 1. Circulars provided by MUNI.	[239, 245-246 CC; 654(4), 668(2) LGA; 1,2 MTR; IRR; 24 HOG R]
Jan 3, 2023	Written disclosures filed under the <i>Financial Disclosures Act</i> must be made before Jan. 13	[2(3)-(4) FDA]
Jan 3, 2023	First day a municipal exemption bylaw may be adopted (2019-2025). Give notice to owner of each property exempted.	[13(5), 18, 20(2) MEVA]
Jan 3, 2023	Local governments forward a statement of taxes in arrear to the Surveyor of Taxes or applicable municipal collector promptly after Dec. 31.	[258(3) CC; 399(2) LGA]
Jan 4, 2023	Last day for the assessment authority to supply to each municipality and taxing treaty first nation estimates of assessed values of the previous year.	[2(a) AA; 1.4(1) AAR]
Jan 13, 2023	Deadline for filing written disclosures under the <i>Financial Disclosures Act</i> .	[2(3)-(4) FDA]
Jan 13, 2023	Deadline to pay BC Transit taxes collected during Dec.	[17 BCTR]
Jan 16, 2023	Deadline to pay balance of taxes collected under <i>Police Act</i> .	[66.51(1) & (3) PA; 5 PTR]
Jan 16, 2023	Deadline to pay balance of taxes under <i>School Act</i> .	[124 SA; 5, 6 STRR]
Jan 30, 2023	RDs establishing a variable tax rate system must submit a Variable Tax Rate Bylaw.	[390(5) LGA]
Jan 31, 2023	Last day to appeal the rates for railway track, pipe lines, telecom lines and related infrastructure.	[21(5) AA]
Jan 31, 2023	Assessment appeal deadline.	[32, 33(2) AA]
Jan 31, 2023	Arrange date to deliver books to auditor for start of annual audit.	

Jan 31, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
Jan 31, 2023	Last day for Minister of Finance to pay provincial property tax money to mun for land under <i>Taxation (Rural Area) Act</i> .	[37 LGA]
Feb 1, 2023	Last day to pay proportion of grants or payments in lieu of taxes (e.g. School, RD, Hospital Dist., BC Transit, BC Assessment, Police and any BC Transportation Authority taxes).	[118(2) SA; 389 LGA; 25(8) HDA; 16(3) BCTA; 20(4) AAA; 66.61(2) PA; 26(4) SCBCTAA]
Feb 1, 2023	Payment due to RD from municipality or Surveyor of Taxes, of preceding year's grant in place of taxes under <i>Payments in Lieu of Taxes Act (Canada)</i> .	[389(2) LGA]
Feb 1, 2023	Deadline for annual appointment of directors of RD Hospital Boards, unless RHD directors are same as RD directors under s.8(2) HDA.	[10(1) HDA]
Feb 15, 2023	Deadline to pay BC Transit taxes collected during Jan.	[17 BCTR]
Feb 27, 2023	Treaty First Nation participating area or electoral area to send parcel tax roll to the Surveyor of Taxes before Feb. 28.	[257(7) LGA] [388(2) LGA]
Feb 28, 2023	Deadline for RDs to appoint members to Municipal Finance Authority.	[2(9) MFAA]
Feb 28, 2023	Deadline for completing 2023 UBCM/CivicInfo BC/LGMA local government surveys.	
Feb 28, 2023	Before March 1 of budget year, library board must provide a copy of the budget to each muni and RD represented on library board.	[25(2) LA]
Feb 28, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
March 1, 2023	Changes to provisional budget submitted in previous year by municipal police board must be submitted to council on or before March 1 of the budget year.	[27(2) PA]
March 1, 2023	Taxes payable to improvement district bear interest at the rate prescribed from March 1 next following the date on which taxes are levied, until paid or recovered.	[717(1) LGA]
March 1, 2023	RDs undertake public consultation process prior to adopting Financial Plan Bylaw by March 31.	[374, 375 LGA]
March 1, 2023	Deadline for Library Board to submit annual budget to municipality.	[10(1) LA]

March 1, 2023	Each mun & RD rep on library board to pay portion of budget on first day of March, June, Sept and Dec.	[25(5) LA]
March 8, 2023	Mun deadline to certify to grant administrator that all grants approved under s. 10 HOGA have been dealt with, and total amount applied. On receipt of certification, minister must pay to mun total amount of approved grants, less <i>School Act</i> taxes.	[12(2) & (3), 12.1 HOGA]
March 8, 2023	For mun without alternative means of publication bylaw, deadline for first notice of Assessment Averaging and Phasing Bylaw.	[94,94.1, 198 CC; 5 AAPR]
March 15, 2023	For mun without alternative means of publication bylaw, deadline for second notice of Assessment Averaging and Phasing Bylaw.	[94, 94.1, 198 CC; 5 AAPR]
March 15, 2023	For mun with alternative means of publication bylaw, deadline for notice of Assessment Averaging and Phasing Bylaw.	[94, 94.2, 198 CC; 5 AAPR]
March 15, 2023	Deadline to pay BC Transit taxes collected during Feb.	[17 BCTR]
March 22, 2023	Deadline for first notice of interim business relief exemption bylaw.	[94, 94.1 CC; 13(5), 20(2) MEVA]
March 22, 2023	For mun with alternative means of publication bylaw, deadline for notice of interim business relief exemption bylaw.	[94, 94.2 CC; 13(5), 20(2) MEVA]
March 29, 2023	For mun without alternative means of publication bylaw, deadline for second notice of interim business relief exemption bylaw.	[94, 94.1 CC; 13(5), 20(2) MEVA]
March 30, 2023	Deadline for RDs to adopt Financial Plan Bylaw.	[374(1), 375(2) LGA]
March 30, 2023	Last day to adopt interim business relief exemption bylaw (2019-2025). Give notice to owner of each property exempted.	[13(5), 18, 20(2) MEVA]
March 30, 2023	Last day for collector to notify Minister responsible for the <i>Land Act</i> of delinquent taxes on land the Province has agreed to sell under an agreement to purchase.	[255 CC]
March 30, 2023	Statement of Financial Information (SOFI) must be made available.	[2(2) FIA]
March 30, 2023	Deadline to adopt Assessment Averaging and Phasing Bylaw.	[198 CC; 5 AAPR]
March 31, 2023	Deadline for MFA to hold its first meeting and select Chair.	[4(1) MFAA]

March 31, 2023	Deadline for local government discharger to submit annual report to Director of Waste Management	[7 EMA; 65(1) MWR]
March 31, 2023	Deadline for RD that is also RHD board to adopt, by bylaw, annual budget of RHD board; and submit copy of bylaw and certified budget to the minister.	[23(5) HDA]
March 31, 2023	Deadline to adopt a tax bylaw to cover portion of annual cost of operating a public passenger system.	[14(4) BCTA]
March 31, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
March 31, 2023	Subject to regs, deadline to submit interim business relief exemption bylaw to the Assessment Authority.	[16(2) MEVA]
April 3, 2023	Interest rates for refunds of tax overpayments, municipal tax sale money; and on taxes in arrear or delinquent are set Jan. 1, April 1, July 1 and Oct. 1. Circulars provided by MUNI.	[239, 245(1)(b), 246(1)(b) CC; 654(4), 668(2) LGA; 1,2 MTR; IRR]
April 6, 2023	On or before April 10: RD must send to minister responsible for Taxation (Rural Area) Act, requisitions for each treaty first nation participating area.	[257(4) LGA]
April 6, 2023	On or before April 10: RD must send invoice to taxing treaty first nation if fees, charges, works or services provided re: treaty lands, owing and not paid on or before Dec 31 of previous year.	[258(6) LGA]
April 6, 2023	On or before April 10: RD must send mun requisitions.	[385(1) LGA]
April 6, 2023	On or before April 10: RD must requisition surveyor of taxes for annual cost of each service from each electoral participating area.	[387(1) LGA]
April 14, 2023	Deadline for assessment authority to provide free of charge to RHD boards current year net taxable value of land and improvements in each member mun, taxing treaty First Nation, other rural area – or to North West RHD, Nisga'a Lands – on completed and revised assessment rolls.	[66 (3) & (4) AA]
April 14, 2023	Deadline for assessment authority to report to mun regarding interim business relief exemption bylaw	[16(2) MEVA]
April 14, 2023	Deadline to pay BC Transit taxes collected during March.	[17 BCTR]

April 20, 2023	RHD deadline to send mun requisitions; transmit to minister responsible for the FAA requisition for improvement districts & rural areas; and provide copies of requisition to improvement districts and rural areas.	[25(1) & (3) HDA]
April 27, 2023	Deadline to publish notice regarding an unclaimed surplus from tax sale.	[254 CC; 659(5) LGA]
April 28, 2023	For wastewater discharges to ground and water for which the contributory population is 10,000+ persons, a LG discharger on receiving notice, must submit a report before May 1	[EMA; 66(1-3) MWR]
April 28, 2023	Deadline for RHDs to notify minister of amounts being requisitioned & uniform rates to be levied.	[25(4) HDA]
April 28, 2023	Last day for assessment authority to forward to taxing treaty First Nation a requisition setting out net taxable value of land and improvements in the treaty lands, and a statement of tax rates.	[20 (4.1) AAA]
April 28, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
April 28, 2023	If regular council/board meeting following a general local election took place on Nov 1, 2022, deadline for LG to decide whether to establish a code of conduct for council/ board members or if a code of conduct for council/ board members has already been established, whether it should be reviewed.	[113.1, 124, 125, 127 CC; 205 LGA]
May 5, 2023	Last day for utility companies to which section 644(2),(4) apply for the first time, to file with the collector a report of the revenue earned.	[644(5) LGA]
May 9, 2023	If regular council/ board meeting following a general local election took place on Nov 10, 2022; deadline for council/board to decide whether to establish a code of conduct for council/board members or if a code of conduct for council/board members has already been established, whether it should be reviewed.	[113.1, 124, 125, 127 CC; 205 LGA]
May 10, 2023	Last day for revenue minister to send mun notice setting out net taxable value of land and improvements, apportioned amount of police taxes and school taxes, and determined rates.	[66.4(1) PA; 120.3(1) SA]
May 12, 2023	Deadline to adopt Financial Plan Bylaw, followed by Tax Rate Bylaw.	[165(1), 197(1) CC]
May 12, 2023	Deadline to send audited financial statements, as well as LGDE and LGDE Tax forms to Inspector.	[167(4) CC; 377(1) LGA]

May 15, 2023	Deadline to pay BC Transit taxes collected during April.	[17 BCTR]
May 19, 2023	Send copies of Financial Plan Bylaw and Tax Rate Bylaw to MUNI.	
May 30, 2023	Deadline for collector to give written notice for delinquent taxes on certain Crown lands.	[257 CC]
May 31, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
June 1, 2023	Each mun & RD rep on library board to pay portion of budget on first day of March, June, Sept and Dec.	[25(5) LA]
June 15, 2023	Deadline to make annual municipal report available for public inspection.	[97-99 CC]
June 15, 2023	Deadline to pay BC Transit taxes collected during May.	[17 BCTR]
June 22, 2023	For RDs without alternative means of publication bylaw, deadline for first notice of RD board meeting or other public meeting to present audited financial statements and member remuneration reports.	[94, 94.1 CC; 376 LGA]
June 22, 2023	For mun without alternative means of publication bylaw, deadline for first notice of annual meeting to consider Annual Municipal Report.	[94, 94.1, 97-99 CC]
June 22, 2023	For RDs with alternative means of publication bylaw, deadline for notice of RD board meeting or other public meeting to present audited financial statements and member remuneration reports.	[94, 94.2 CC; 376 LGA]
June 22, 2023	For mun with alternative means of publication bylaw, deadline for notice of annual meeting to consider the Annual Municipal Report.	[94, 94.2, 97-99 CC]
June 29, 2023	For RDs without alternative means of publication bylaw, deadline for second notice of RD board meeting or other public meeting to present audited financial statements and member remuneration reports.	[94, 94.1 CC; 376 LGA]
June 29, 2023	For mun without alternative means of publication bylaw, deadline for second notice of annual meeting to consider Annual Municipal Report.	[94, 94.1, 97-99 CC]
June 29, 2023	Before June 30, LG must consider report respecting reserve funds required for off-street parking and loading space requirements.	[525(9) LGA]
June 29, 2023	Before June 30, LG must consider report respecting annual DCCs.	[569 LGA]

June 29, 2023	Statement of Financial Information (SOFI) must be made available and submitted to MUNI.	[2(3) FIA]
June 30, 2023	Deadline for council to consider the Annual Municipal Report at a council meeting.	[94, 97-99 CC]
June 30, 2023	Report out on Council remuneration, expenses and contracts if not already done.	[168 CC; 377 LGA]
June 30, 2023	Deadline for RDs to hold board meeting or other public meeting to present audited financial statements and member remuneration reports.	[376 LGA]
June 30, 2023	Deadline for LG to make the 2022 annual development cost charges report available to the public.	[569(3) LGA]
June 30, 2023	Deadline for RD to make copy of financial statements and reports on 2022 regional district available for public inspection.	[376 (3) LGA]
June 30, 2023	Deadline to make a copy of 2022 report on reserve funds available for public inspection.	[525(10) LGA]
June 30, 2023	Deadline for payment of delinquent taxes on certain Crown lands.	[257(4) CC]
June 30, 2023	UBCM resolutions deadline. UBCM Dog Tag Order deadline.	
June 30, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
July 4, 2023	Interest rates for refunds of tax overpayments, municipal tax sale money; and on taxes in arrear or delinquent are set Jan. 1, April 1, July 1 and Oct. 1. Circulars provided by MUNI.	[239, 245, 246 CC; 654(4), 668(2) LGA; 1, 2 MTR; IRR; 24 HOG R]
July 4, 2023	Property taxes due unless an alternative tax collection scheme has been established.	[234(1) CC; 2 MHTA; MHA]
July 4, 2023	Penalty applied to unpaid taxes.	[234(2) CC; 3 MTR]
July 5, 2023	Mun collector may register a financing statement in the personal property registry for manufactured home taxes due under LG Act.	[28(1) MHA]
July 14, 2023	Deadline to pay BC Transit taxes collected during June.	[17 BCTR]
July 17, 2023	Deadline to pay the balance of school taxes collected with report and certified statement.	[3, 4 STRR]
July 17, 2023	Deadline to pay 2 <sup>nd</sup> instalment of police taxes.	[1, 3(a), 5 PTR]
July 27, 2023	Last date for claiming tax sale surplus from 2021 tax sale.	[254 CC; 659(6) LGA]

July 31, 2023	Deadline to pay to Assessment Authority proceeds of taxes levied and collected.	[20(3) AAA]
July 31, 2023	Deadline to pay MFA the proceeds of rates levied.	[19(4) MFAA]
July 31, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
July 31, 2023	Deadline for SCBCTA mun to pay to the authority all assessed taxes collected as of July 15.	[26(2) SCBCTAA]
August 1, 2023	Deadline to pay mun requisitions to RDs.	[385(2) LGA]
August 1, 2023	Deadline for mun, improvement districts and rural areas to pay RHD the requisitioned amounts.	[25(2) & (6) HDA]
August 1, 2023	Mun deadline to pay proceeds of taxes levied and collected to Assessment Authority, with interest applied to amount not paid beginning on Aug 1.	[20(6) AAA]
August 15, 2023	Deadline to pay BC Transit taxes collected during July.	[17 BCTR]
August 30, 2023	Mun deadline to notify RD board of intent to opt out of sharing Part 14 costs.	[381(3) LGA]
August 31, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
September 1, 2023	Interest rates for refunds of tax overpayments, municipal tax sale money; and on taxes in arrear or delinquent are set Jan 1, April 1, July 1 and Oct 1. Circulars provided by MUNI.	[239, 245, 246 CC; 654(4), 668(2) LGA; 1, 2 MTR; IRR; 24 HOG R]
September 1, 2023	Affected local governments must make payment of school referendum taxes deemed to have been requisitioned on and from Jan 1 of the calendar year.	[137 SA]
September 1, 2023	Each mun & RD rep on library board to pay portion of budget on first day of March, June, Sept and Dec.	[25(5) LA]
September 5, 2023	Interest on overpayment of taxes payable today or the 61 <sup>st</sup> day after payment is made, whichever is later.	[239, 245, 246 CC; 654(4), 668(2) LGA; 1, 2 MTR; IRR; 24 HOG R]
September 8, 2023	For mun without alternative means of publication bylaw, deadline for first notice of annual tax sale, if last notice to be published Sept 15.	[94, 94.1 CC; 647 LGA]
September 14, 2023	For mun without alternative means of publication bylaw, deadline for first notice of annual tax sale; if last notice to be published on Sep 21.	[94, 94.1 CC; 647 LGA]
September 15, 2023	For mun with alternative means of publication bylaw, earliest day for notice of annual tax sale.	[94, 94.2 CC; 647 LGA]

September 15, 2023	Deadline to pay BC Transit taxes collected during August.	[17 BCTR]
September 15, 2023	For mun without alternative means of publication bylaw, earliest day for last notice of annual tax sale; if first notice was Sept. 8.	[94, 94.1 CC; 647 LGA]
September 21, 2023	For mun without alternative means of publication bylaw, deadline for last notice of annual tax sale; if the first notice was Sept 14.	[94, 94.1 CC; 647 LGA]
September 21, 2023	For mun with alternative means of publication bylaw, deadline for notice of annual tax sale.	[94, 94.2 CC; 647 LGA]
September 25, 2023	Tax sale must be held at 10:00 am.	[645(1), (2) LGA]
September 26, 2023	Last date for owner to redeem property sold by 2022 tax sale (time limit 1 year from day tax sale began, or further time allowed by bylaw).	[660(2), 662 LGA]
September 27, 2023	Earliest date for mun notice to registrar of land titles re: unredeemed parcel of land at end of redemption period.	[663(1), (4) LGA]
September 29, 2023	Mun deadline to pay improvement district for fire protection, street lighting or other specified services.	[711(6) LGA]
September 29, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
September 29, 2023	Deadline for LG weed control committee to submit annual report to minister and to council/board.	[9(4) WCA]
September 29, 2023	Last date to take votes to obtain elector assent for bylaw authorizing a mun or RD to withdraw from a regional library district.	[29(2) LA]
September 29, 2023	Deadline for a public library assn. to request muni to assume responsibility for providing library service.	[42(2) LA]
October 2, 2023	Interest rates for refunds of tax overpayments, municipal tax sale money; and on taxes in arrear or delinquent are set Jan. 1, April 1, July 1 and Oct. 1. Circulars provided by MUNI.	[239, 245, 246 CC; 654(4), 668(2) LGA; 1, 2 MTR; 3 IRR; 24 HOGF]
October 2, 2023	Advertise for library board appointments; to be made at the first regular meeting of council /regional district board in Nov.	[5(3), 17(2) LA]
October 13, 2023	Deadline to pay BC Transit taxes collected during Sept.	[17 BCTR]
October 24, 2023	First day fireworks may be sold, given, fired, or set off if a LG has, by bylaw, declared that Fireworks Act applies.	[3 FWA]

October 27, 2023	Notify registered owners and charge holders of property sold at tax sale in Sept, with service confirmed on or before Dec 27.	[254 CC; 657 LGA]
October 30, 2023	Last date for the assessment authority to supply estimates of the distribution of value changes since previous revised assessment roll and completion of any supplementary roll.	[2(b) AA]
October 30, 2023	Deadline to file revenue returns for utility companies.	[192(e) CC; 644(4) LGA]
October 31, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
October 31, 2023	Deadline for RD to request reapportioning of police taxes among contributing areas.	[66.3(6) PA]
October 31, 2023	Deadline for issuance and cancellation of revitalization certificates.	[226(12) CC]
October 31, 2023	Deadline to adopt and implement permissive tax exemption bylaws.	[224, 225 CC; 391(3), 392(2), 394(2), 396 LGA]
November 1, 2023	Last day fireworks may be sold, given, fired, or set off if LG has, by bylaw, declared that the <i>Fireworks Act</i> applies.	[3 FWA]
November 2, 2023	RD board must elect a Chair and Vice Chair at the first meeting after Nov 1.	[215(1) LGA]
November 15, 2023	Deadline to pay BC Transit taxes collected during Oct.	[17 BCTR]
November 27, 2023	Notify registered owners and charge holders of property sold at tax sale in Sept, with service confirmed on or before Dec 27.	[254 CC; 657 LGA]
November 29, 2023	Last day to give notice of permissive tax exemption bylaw to minister responsible for the <i>Heritage Conservation Act</i> ; if applicable, file notice at land title office.	[392(5), 393(4), 395(4) LGA]
November 30, 2023	Last day for municipal police board to submit to council a provisional budget for approval.	[27 PA]
November 30, 2023	Deadline to submit to assessor amounts required to provide services, if an improvement district provides fire protection, street lighting, or other services in a rural area.	[711(4) LGA]
November 30, 2023	Last day for regular mun or RD appointments to library board.	[5(3), 17(2) LA]
November 30, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	

December 1, 2023	Mun that need a revenue anticipation bylaw, adopt before year end to cover any overdrafts in New Year.	[177 CC]
December 1, 2023	Each mun & RD rep on library board to pay portion of budget on first day of March, June, Sept and Dec.	[25(5) LA]
December 15, 2023	Deadline to pay BC Transit taxes collected during Nov.	[17 BCTR]
December 21, 2023	For mun without alternative means of publication bylaw, deadline for first notice of council meeting schedule.	[94, 94.1, 127(1)(b) CC]
December 21, 2023	For mun with alternative means of publication bylaw, deadline for notice of council meeting schedule.	[94, 94.2, 127(1)(b) CC]
December 22, 2023	Deadline to notify registered owners and charge holders of property sold at tax sale.	[254 CC; 657 LGA]
December 28, 2023	For mun without alternative means of publication bylaw, deadline for second notice of council meeting schedule.	[94, 94.1, 127(1)(b) CC]
December 29, 2023	RD board that is RHD board must adopt provisional budget.	[23(1) HDA, 1 HDAR]
December 29, 2023	Deadline to pay regional transit commission taxes.	[16(1-3) BCTA]
December 29, 2023	Deadline for SCBCTA mun to pay to the authority all assessed taxes collected.	[26(2) SCBCTAA]
December 29, 2023	Deadline for notice to Inspector and BC Assessment Authority of Assessment Averaging or Phasing Bylaw.	[198 CC; 5 AAPR]
December 29, 2023	LG providing facilities or services under <i>Cremation, Interment &amp; Funeral Services Act</i> must deposit to care funds any monies collected.	[29 CIFSA; 22(2), (4) CIFSR]
December 29, 2023	Deadline for owner of an eligible property to file an application for land tax deferment.	[12 LTDA]
December 29, 2023	Deadline for Home Owner Grant applications.	[8, 9 HOGA, 12 HOGR]
December 29, 2023	Monthly reports to: Canada Revenue Agency for GST/PST; Statistics Canada for building permits; Health Authority for water quality testing.	
December 29, 2023	Mun must pay previously unpaid provincial taxes on lands within mun boundary.	[36(3) LGA]
December 29, 2023	Grant administrator may adjust home owner grant approved under s. 10, but must cancel a grant approved if the conditions in s. 10.2 are met; with written notice to the applicant within 14 days after making the adjustment/cancellation.	[10.1, 10.2 HOGA, 124(9) SA]

December 31, 2023

Unpaid taxes that were in arrears this calendar year and are unpaid by end of day become delinquent on this date; as do unpaid RD fees and charges for works & services; and fees for fire and security alarms.

[245(1), 246(1), 258(2) CC; 399(2) LGA]

## Acts & Regulations

AA	Assessment Act	IRR	Interest Rates Under Various Statutes Regulation
AAA	Assessment Authority Act	LA	Library Act
AAR	Assessment Act Regulation	LGA	Local Government Act
AAPR	Assessment Averaging & Phasing Regulation	LTDA	Land Tax Deferment Act
BCTA	BC Transit Act	MEVA	Municipalities Enabling & Validating Act
BCTR	BC Transit Regulation	MFAA	Municipal Finance Authority Act
CC	Community Charter	MHA	Manufactured Home Act
CIFSA	Cremation, Interment & Funeral Services Act	MHTA	Manufactured Home Tax Act
CIFSR	Cremation, Interment & Funeral Services Regulation	MTR	Municipal Tax Regulation
EMA	Environmental Management Act	MWR	Municipal Wastewater Regulation
FDA	Financial Disclosure Act	PA	Police Act
FIA	Financial Information Act	PTR	Police Tax Regulation
FWA	Fireworks Act	SA	School Act
HDA	Hospital District Act	SCBCTAA	South Coast BC Transportation Authority Act
HDAR	Hospital District Act Regulation	STRR	School Tax Remitting Regulation
HOGA	Homeowner Grant Act	WCA	Weed Control Act
HOGR	Homeowner Grant Regulation		

## Disclaimer

This Calendar is not a substitute for legal, accounting or other professional advice. Local government practitioners are encouraged to consult the appropriate enactment and to contact the Ministry of Municipal Affairs and Housing, their accounting advisors and their municipal solicitors for assistance with specific questions or concerns.

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## 24 Legislative Process

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### Policy/Legislative Amendments & Local Governments

Local governments in British Columbia are created under a provincial statute—the *Local Government Act* (or in the case of Vancouver, the *Vancouver Charter*).

Key powers and duties that a local government must exercise or may assume are set out in the *Local Government Act* and the *Community Charter*. The *Community Charter* (CC) provides BC municipalities with the authority to legislate in a number of areas of primarily local interest, while the *Local Government Act* provides this authority for regional districts. Under the CC, municipalities are given broad enabling powers, including broadly stated spheres of regulatory jurisdiction.

Many other Acts also set out local government powers and duties in various specific subject areas (e.g., *Motor Vehicle Act*; *Public Health Act*; *Environmental Management Act*).

Changes to legislation may be initiated in a number of ways including by the Provincial Government itself or through a request of local government.

Resolutions prepared by local government and endorsed at the annual UBCM Convention on proposed legislative change is one method that can be used to request a change in legislation or policy.

UBCM will become involved where a legislative amendment or change in policy is identified as needed by local governments throughout the province.

### Development of Policy & Legislation

The process of developing new legislation in British Columbia is flexible and designed to accommodate changing circumstances. Legislation is generally developed by the Ministry that has been assigned responsibility for the policy or legislative area. How any proposed changes are dealt with will be in large measure determined by the Minister and Deputy Minister responsible.

In some cases, consultation with UBCM will be required. The *Community Charter* requires the Minister responsible for a matter to consult with UBCM before taking specified actions, including amending the *Community Charter*, *Local Government Act*, *Local Elections Campaign Financing Act* or *Local Government Grants Act*.

In other cases, consultation with a local government or with UBCM may occur under the consultation principle. In either case, the nature of or process for that consultation will vary depending on things like the subject matter, time frame, provincial interests and impact on local governments.

Major changes in policy typically require Cabinet approval or approval by a specific government Cabinet committee. Once the full implications of the policy have been reviewed, Cabinet will make the decision as to what action, if any, is to be taken on the issue. Depending on the complexity of the issue it may require one or more of the following actions:

- Administrative change in policy by a Ministry;
- Passage of an Order-in-Council (OIC) by Cabinet (for example, OICs are used to enact regulations);
- Passage of legislation or legislative amendments by the Provincial Legislature.

In general, legislative changes are made in the following manner.

1. Premier issues the call for legislation
2. Cabinet Planning Session—a high level review of ministry service plans and legislative plans
3. Ministries submit requests for legislation (proposals) and Cabinet approves the legislative agenda
4. Government Committees review requests for legislation (from a policy perspective)
5. Legislative Review Committee reviews draft legislation.
6. Final draft legislation is prepared in Bill form ready for introduction
7. Bills are introduced in the Legislature

### Approval of Legislation by the Legislature

Before a Bill containing new legislation or amendments can become law it must go through the following stages:

First Reading: The Bill is introduced and is placed on the Order Paper to be debated in the Legislature.

Second Reading: The general principles of the Bill are debated in the House. The discussion in the Legislature must deal only with the subject matter outlined in the Bill and focus only on the general intent of the legislation.

Committee Stage: A clause-by-clause examination and debate of the Bill is undertaken.

It is at this stage that the Government will introduce any amendments it is prepared to make to the Bill.

“Committee Stage” is a more informal process where questions can be asked of the Minister responsible for the Bill and amendments may be proposed to the Bill.

Third Reading: Final debate of the Bill including any changes that have been made to it. This is the last point at which the Bill can be discussed by the Legislature before it is passed.

## Final Approval of Legislation

Legislation which is passed by the Legislature does not become law until it receives the Royal Assent of the Lieutenant-Governor.

The Government has three options as to when a Bill will officially become law in the province. It will state in the legislation whether the Bill will become law on the:

1. Date of Royal Assent;
2. Specified date outlined in the legislation (this date may be retroactive or in the future);
3. Date of coming into force (by an Order-in-Council passed by Cabinet—approval of legislation in this manner may be done section by section).

Legislation which is still on the Order paper once the current session of the Legislature is adjourned may be considered at the next session of the Legislature when it resumes. However, once the legislative session is prorogued—officially ended—those bills not yet passed must begin the whole process again.

## Official Publications of the Legislature

Orders of the Day Lists the business to be conducted in the House on that day. The Order paper will list any motions, written questions, or proposed amendments to Bills which have been placed on notice in the legislature.

Votes & Proceedings Lists the stage that each Bill is at in the Legislature and any votes that were taken.

Hansard Records the debate that took place in the Legislature on a daily basis.

Bill 1st Reading Bill as introduced in the Legislature on first reading.

Committee/Report Stage Bill has amendments and additions underlined and deletions crossed out as changed from 1st reading Bill.

Bill 3rd Reading Bill as debated and passed by the Legislature upon third reading.

Act Legislation which has received Royal Assent and has officially become a law of the province.

Consolidated Statutes Compilation of most of the legislation which is law in the province.

Consolidated B.C. Regulations	Compilation of most of the regulations issued in the province.
B.C. Gazette	Publication of Orders-in-Council and regulations passed by Cabinet.
Registry of Orders-in-Council	The Ministry of Attorney General maintains a registry of all Orders-in-Council passed by Cabinet.
Electronic Statutes & Documents	The Office of the Clerk, with the assistance of the Queen's Printer operates a Web Site for official publications: <a href="http://www.leg.bc.ca">www.leg.bc.ca</a>
	Bills, Orders of the Day, Votes and Proceedings and Hansard are available on a daily basis over the internet when the Legislature is sitting.

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# 25 Land Use Regulation

**Legislative Framework**

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

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

**Summary of Permits**

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

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

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

**Summary of Bylaw Powers**

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

Division	Topic	LGA/CC Section
2	Official Community Plans	LGA 471-478
4	Public Hearings	LGA 464-470
5	Development Approval Procedures*	LGA 460
5	Advisory Planning Commission	LGA 461
6	Board of Variance*	LGA 536-544
7	Zoning & Other Development Regulation	LGA 479-483
7	Phased Development Agreements	LGA 515-522
7	Parking	LGA 525; CC 188(2), 189, 65
7	Drainage	LGA 523
7	Signs	LGA 526; CC 8(4)
7	Screening & Landscaping	LGA 527
7	Floodplains	LGA 524

8	Farming	LGA 551-555
9	Development permit areas	LGA 488
9	Development approval information	LGA 484-487
10	Development Costs Recovery	LGA 558-570; CC 188(2)
11	Subdivision and dedications	LGA 506-514; CC 188(2)

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

## Regional Growth Strategy

### Part 25

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

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

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

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

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

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

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

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

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

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

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

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

To adopt or amend an OCP, a local government must follow the procedures outlined in section 477 of the Act. Ministerial approval is required for the Resort Municipality of Whistler, the Resort Municipality of Sun Peaks, and Islands Trust. The LGA provides discretionary authority for the Minister to require approval of regional district bylaws (LGA s. 585).

An OCP that applies to land in the Agricultural Land Reserve must be referred to the provincial Agricultural Land Commission.

## Zoning Bylaw

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

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

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

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

Rezoning can be initiated by a property owner or by the local government. Rezoning of individual properties, including creating a new zoning category for an individual property, is permitted. If a local government has zoning, it must also have a procedures bylaw to establish the process for owners to apply for rezoning [LGA s. 460], as well as a board of variance to whom property owners who face particular hardship can apply for minor relaxations of compliance with the regulations [LGA s. 536]. A fee to cover the cost of application processing may be charged [LGA s. 462]. Council or board must consider any rezoning applications received, but are not obliged to introduce a bylaw before turning down an application.

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

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

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

### Other Land Use Regulatory Bylaws

Local government can, as part of a comprehensive land use bylaw or in separate bylaws, adopt regulations and requirements related to development, including:

**Parking:** to require that specified amounts of off-street parking, loading and handicapped parking is provided. Local government can allow the spaces to be provided on another site or can, if the owner wishes, accept cash in lieu of off-street parking which must be paid into a fund that will be used to pay for local government parking facilities or transportation infrastructure that encourages non-automotive transportation.

**Drainage:** to require that the runoff from a paved and/or roof areas be dealt with in accordance with the requirements of the bylaw. The bylaw can also limit area of the site that is impervious to water penetration into the soil.

**Signs:** to regulate the number, size, type, form appearance, and location of signs. Signs can be prohibited unless the sign identifies or relates to the use of a property on which it is located. Note that the *Community Charter* also provides municipalities with general authority to regulate and impose requirements in relation to signs and other advertising. Extra care must be taken when designing sign bylaw provisions to avoid unnecessarily infringing on persons’ constitutionally-protected rights to freedom of speech.

**Screening and landscaping:** to regulate or require that screening or landscaping be included to mask or separate specified types of land uses, protect the natural environment, or prevent hazardous conditions.

Often, these other related regulations are combined with zoning in the same bylaw, in which case it is often called a Land Use Bylaw.

## Development Permits

A local government's OCP can designate development permit areas for one of the following purposes: protection of natural environment; hazard areas; protection of farming; commercial area revitalization; form and character of intensive residential, commercial, industrial development; form and character objectives for development in resort regions; promotion of energy or water conservation; and reduction in greenhouse gas emissions [LGA s. 488]. A similar tool is available for heritage area conservation and revitalization [LGA s. 615].

Development permits are, arguably, the second most important tool for land use regulation (after zoning). Besides enabling regulation of the design of a project, and imposing conditions respecting the sequence and timing of construction, a development permit can vary or supplement a regulatory bylaw (except that it cannot vary use or density) [LGA s. 490].

## Variances

Sometimes the regulations that are written apply to all general circumstances are not appropriate for a specific situation. While one way to address this would be to rezone the affected property, the legislation provides three more expeditious ways for making site-specific exceptions to the strict application of land use regulations.

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

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

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

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

## Development Cost Charge Bylaw

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

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

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

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

## Subdivision Standards & Dedications

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

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

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

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

**Building  
Regulation**

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

**Community  
Charter & Local  
Government Act**

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

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## 26 Planning & Procedures

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### Roles in Planning & Development Processes

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

- local government: municipal council or regional district board;
- advisory planning commissions;
- boards of variance;
- approving officer;
- building inspector;
- Minister of Municipal Affairs;
- Inspector of Municipalities; and
- other ministries (e.g., Agriculture and Food, Environment and Climate Change Strategy, Transportation and Infrastructure).

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

### Local Government Powers

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

The major distinctions between council and board powers in these areas relate to greater involvement in the adoption procedures by the Minister of Municipal Affairs, who may have an approval role for certain regional district bylaws.

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

## Land Use Processes & Procedures

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

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

In terms of procedures, the Act also requires:

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

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

## Public Process Requirements

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

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

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

The chair of a public hearing is responsible for establishing procedural rules for the conduct of the hearing, and these rules must meet certain court-established expectations of fair process.

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

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

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

### Advisory Planning Commission

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

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

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

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

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

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

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

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

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

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

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

**Minister of  
Municipal Affairs**

The Minister's powers include the ability to:

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

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

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

**Inspector of  
Municipalities**

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

**Other Ministries**

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

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**Federal Government**

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Fisheries & Oceans	fisheries
Transport Canada	airports, ports

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**Provincial Government**

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Environment & Climate Change Strategy	sensitive areas & provincial parks
Forests; Water, Land & Resource Stewardship	Crown & privately managed forest land
Agriculture & Food	Crown land, aquaculture
Transportation & Infrastructure	provincial highways

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

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Environment: floodplains and floodplain specifications [s.524]

Agriculture: intensive agriculture regulations [s.551]

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Transportation and Infrastructure: approval of permits for commercial and industrial buildings exceeding 4,500 m<sup>2</sup> [s.505] and zoning near highway intersections [*Transportation Act* s. 52].

### Voting on Plans & Bylaws

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

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

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

### Participation in Regional District Planning

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

Updated November 2022

## 27 Licensing

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### Licensing Authority

The *Community Charter* provides BC municipalities with the authority to regulate, prohibit, and impose requirements in relation to a number of broadly stated spheres of jurisdiction. The fundamental regulatory authority of councils is found in section 8 of the *Community Charter*. Areas in which regulatory authority may be exercised include business, public health, protection of the natural environment, animals, buildings and structures. Some spheres, like business, are not subject to all the abilities (to regulate, prohibit or impose) of council. Business may only be regulated, while prohibition is not allowed. Based on having the authority to regulate these spheres, council may, through the authority set out in section 15 of the *Community Charter*, provide for a system of licenses.

### Licensing Powers

Under s.15 of the *Community Charter*, council may, by bylaw:

- prohibit any activity or thing until a license, permit or approval has been granted;
- provide for the effective periods of licenses, permits and approvals;
- provide for the terms and conditions of, or that must be met for obtaining, continuing to hold or renewing a license;
- provide for the granting and refusal of licenses, permits and approvals; and
- provide for the suspension or cancellation of licenses, permits and approvals.

License fees may be charged under section 194 of the *Community Charter*.

Subject to any applicable delegation restrictions contained in the *Community Charter*, and subject to the special rules applicable to business licenses (discussed below), a municipal council may delegate its authority to grant, refuse, suspend or cancel a license to a council member, a council committee, an officer or employee, or to another body established by council [CC s.154].

### System of Licensing

Council may use the general variation authority in section 12 of the *Community Charter* to:

- make different provisions for different areas, times, conditions or circumstances as described by the bylaw;
- establish different classes of persons, places, activities, property or things; and
- make different provisions, including exceptions, for different classes.

## Fees

The authority to impose fees for licensing are set out in the *Community Charter* (CC) s. 194 where a council may, by bylaw, impose a fee payable in respect of all or part of the service or regulatory scheme of the municipality. CC s. 12 and 194 include the authority to base the fee or charge on any factor specified in the bylaw including establishing rates or levels of fees in relationship to different factors; establishing different classes of persons, property, businesses and activities and different fees or charges for different classes; establishing terms and conditions for payment, including discounts, interests and penalties. Municipalities can recover fees due in any court of competent jurisdiction [CC s. 231].

A municipality must make available to the public, on request, a report respecting how a fee or charge imposed under this section was determined [CC s. 194(4)].

## Penalties

For a regulated activity that requires a license in order to operate legally, it is an offence under the *Offence Act* for a person to carry on the activity without a valid license [CC s. 260]. Penalties may apply.

Where compliance with a bylaw is a condition of a license or permit, a local government may suspend the license or permit until the person, or persons, comply. Ultimately, a local government may seek prosecution under the *Offence Act*, apply to the Supreme Court for an injunction or court order to enforce, prevent or restrain the contravention of a local government bylaw, or pursue other means of enforcement such as ticketing.

## Business Licenses: Refusal, Suspension or Cancellation

The general authority for a municipality to regulate and therefore license a business is derived from Sections 8(6) and 15 of the *Community Charter*. However, Part 3, Division 9 of the *Community Charter* outlines some specific requirements which council must meet when dealing with business. While a council may refuse a business license application in any specific case, it must not do so unreasonably [CC s. 60(1)(a)]. If a council refuses a business license application it must, if requested by the applicant, give written reasons for the refusal [CC s. 60(1)(b)].

A business license may be suspended or cancelled for failure to comply with the bylaw or any specified terms and conditions of the license [CC s.15(1)]. In addition, a business license may be suspended or cancelled for reasonable cause under CC s.60(2) but not before the license holder is given notice of the proposed action and an opportunity to be heard [CC s. 60(3)].

If a designated municipal officer or employee exercises authority to grant, refuse, suspend or cancel a business license, the applicant or license holder who is subject to the decision is entitled to have the council reconsider the matter [CC s. 60(5)].

Note that the definition of “business” in the *Community Charter* specifically excludes activities carried on by the provincial government, by corporations owned by the provincial government, by agencies of the provincial government or by the South Coast British Columbia Transportation Authority or any of its subsidiaries. Consequently, municipalities are not authorized to require such entities to obtain business licenses.

### Animal Licenses

The general authority for a municipality to license animals is derived from CC s. 8(3)(k). Part 3, Division 6 of the *Community Charter* outlines some specific actions that a council may take in relation to animal control such as the seizure of animals and the treatment of dangerous dogs. A council, with the authority of CC s. 8 and Part 3, Division 6 may for example, by bylaw regulate the keeping of dogs by requiring persons who own, possess or harbor a dog to hold an annual license for the dog.

The bylaw may require a separate dog licence for each dog, and may vary the amount of the fee according to the sex, age, size or breed of the dog [CC s. 47 and s. 12]. A council has the authority to seize animals in certain situations (for example, where animals are unlicensed or unlawfully at large) [CC s. 48].

Updated November 2022

# Fact Sheet #28: Bylaw Adjudication

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## Legislation

In October 2003, the Province enacted the *Local Government Bylaw Notice Enforcement Act* (BNEA) to provide an alternative approach for processing and resolving minor bylaw infractions, ranging from parking tickets to dog licensing to minor zoning infractions.

Under the BNEA, local governments may establish a local government bylaw dispute adjudication system to replace the provincial court as the venue for resolving disputes of minor municipal bylaw breaches.

The BNEA, and the authority it provides to an adjudication system, applies to both municipalities and regional districts. In order to proceed under the legislation, a local government must make a request to the Lieutenant Governor in Council to have a regulation enacted applying to the local government [BNEA s. 2(1) & 29]

A pilot project of the adjudication model was undertaken in 2004 in three north shore municipalities (City of North Vancouver, District of North Vancouver, and District of West Vancouver). These municipalities maintained independent ticketing processes to enforce their individual regulatory bylaws, but shared administrative processes around the adjudication of disputes. In September 2005, the Province announced that the new adjudication model would be available to other local governments in the province.

## Adjudication Model

The goal of the adjudication model is to create a simple, fair, and cost-effective system for dealing with minor bylaw infractions. To meet this goal, the adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes – hearings may be held in person, by phone or in writing.

## **Establishment of Bylaw Adjudication System**

To establish a bylaw adjudication system, a local government must pass a bylaw that:

- designates which bylaw contraventions may be dealt with;
- establishes the amount of the penalty – maximum penalty under the system is \$500;
- establishes the period for paying or disputing a bylaw notice and whether or not early payment discounts and/or late payment surcharges will apply; and
- establishes a bylaw notice dispute adjudication system to resolve disputes in relation to bylaw notices [BNEA s. 2(2)].

## **Implementation**

A local government will need to establish a process for dealing with citizens who wish to dispute bylaw notices that they receive. The BNEA provides that a local government may:

- establish a position of screening officer to hear citizen complaints. While not a requirement, it is a highly recommended procedure; and
- determine the authority of the screening officer [BNEA s. 2(3)].

A local government will need to create a dispute adjudication registry and identify a location where the disputes can be heard. In developing a registry and selecting a site for the hearings, a local government must ensure that the hearing material and decisions reached are accessible to the public [BNEA s. 14-19].

The BNEA provides that a local government may, if it chooses, join with other local governments through an agreement to jointly administer and cost share the operation of a bylaw adjudication system [BNEA s. 2(4) and (5)].

## **Bylaw Adjudicators**

The legislation provides that once one or more local governments have established a bylaw notice dispute adjudication system, that the deputy attorney general appoint one or more adjudicators to determine the disputes [BNEA s. 15].

The adjudicator must provide the person disputing the bylaw notice an opportunity to be heard:

- in person or by an agent;
- in writing, including by fax or e-mail; or
- by video/audio conference, telephone or other electronic means [BNEA s. 18].

In hearing the evidence, the adjudicator's authority is limited to determining whether or not the contravention occurred as alleged; and is not in a position to change or alter the penalty.

The adjudicator in this process is not able to decide matters related to any of the following:

- the *Canadian Charter of Rights and Freedoms*;
- a matter for which notice under Section 8 of the *Constitutional Questions Act* is required;
- determination of aboriginal or treaty rights or claims; or
- a challenge to the validity of the bylaw that is alleged to have been contravened [BNEA s. 16].

### Financial Cost

A local government that establishes a bylaw notice dispute adjudication system is responsible for:

- administrative work and costs of managing and operating the dispute adjudication system; and
- remuneration and expenses of the adjudicators [BNEA s. 23].

A local government may charge a fee of up to \$25 per person who is unsuccessful in a dispute adjudication, for the purposes of recovering the costs of the system [BNEA s. 23(2)].

A local government may charge a penalty of up to \$500 for the contravention of a bylaw under the bylaw adjudication system [BNEA s. 6].

Updated September 2022

## 29 Declaration on the Rights of Indigenous Peoples Act (DRIPA)

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### UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international human rights instrument adopted by the United Nations General Assembly on September 13, 2007, comprised of 46 articles about the treatment of Indigenous peoples. These articles address rights that "constitute the minimum standards for the survival, dignity and well-being of the Indigenous people of the world."

### Declaration Act (DRIPA)

The Legislative Assembly of British Columbia unanimously adopted the *Declaration on the Rights of Indigenous Peoples Act, 2019* (commonly referred to as the *Declaration Act* or DRIPA) on November 28, 2019 to enshrine UNDRIP into law.

The *Declaration Act* requires that the Government of British Columbia ensure that provincial laws (both existing and future) are consistent with UNDRIP. The Act also requires that the government, in consultation and cooperation with Indigenous peoples, prepare and implement an action plan on how these changes will be achieved and prepare annual reports on the progress made toward implementing measures set out in the action plan. The action plan and annual reports must be provided to the Legislative Assembly. The Act also enables the government to share statutory authority with Indigenous governing bodies by entering into decision making agreements.

The Province is establishing a secretariat to guide and assist government to meet its obligation to ensure that legislation is consistent with UNDRIP, and is developed in consultation and cooperation with Indigenous Peoples. The process of alignment of laws in particular is likely to be a long-term process that will have wide ranging implications for local governments over time.

### DRIPA Action Plan

The Province released their DRIPA Action Plan on March 30, 2022, outlining 89 actions across all government ministries that to be undertaken over a five years period (2022-2027) to implement the Act.

The actions are grouped across 4 themes:

1. Self-determination and inherent right of self-government
2. Title and rights of Indigenous Peoples
3. Ending Indigenous-specific racism and discrimination
4. Social, cultural and economic well-being

Two actions directly address local governments:

- 1.11 – Support inclusive regional governance by advancing First Nations participation in regional district boards. (*Ministry of Municipal Affairs*), and
- 4.27 – Review the principles and processes that guide the naming of municipalities and regional districts, and evolve practices to foster reconciliation in local processes. (*Ministry of Municipal Affairs*)

While not explicitly referencing local governments, many of the other actions are likely to be of interest, including those addressing Indigenous peoples living in urban areas (4.21-4.24), species at risk and environmental stewardship (2.6-2.8), wild salmon (2.9), forest policy reform (2.10), policing reforms (3.11), heritage conservation (4.35), and emergency management (1.10).

### Local Government Engagement & Consultation

UBCM and the Province in 2021 renewed an MOU detailing a commitment on behalf of the signatories to share information on a range of initiatives relating to Indigenous relationships including negotiations and agreements (treaty and non-treaty), as well as implementation of the *Declaration on the Rights of Indigenous Peoples Act*. This MOU commits the Province to communicating with UBCM and local governments on all Indigenous initiatives that have potential implications for areas of local government interest including, but not limited to land management, land use planning, dispute resolution, servicing agreements and economic development.

UBCM continues to work with the Province to seek guidance for local governments on DRIPA, including via educational events and webpage resources (see “Further Information” below).

### Federal UNDRIP Legislation

At the Federal level, Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) received Royal Assent on June 21. This legislation closely parallels British Columbia’s *Declaration on the Rights of Indigenous People’s Act* in establishing a process for alignment of laws with UNDRIP and working towards the objectives of the declaration more broadly. Its provisions include:

- Making laws consistent with UNDRIP,
- Development of an action plan “as soon as practicable, but no later than two years after the day on which this section comes into force.”, and
- Preparation of an annual report that must be tabled in each House of Parliament and permanently referred to the Committee of each House of Parliament responsible for reviewing Indigenous issues.

Each of the major components of the legislation noted above are to be undertaken in consultation and cooperation with Indigenous peoples. The action plan notably must include measures to “address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination, including systemic racism and discrimination”, as well as measures related to monitoring, oversight and accountability. Unlike BC’s *Declaration Act*, the federal legislation does not contain provisions for joint decision-making agreements.

## Further Information

### DRIPA

<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>

### DRIPA Action Plan

[https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration\\_act\\_action\\_plan.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf)

### UBCM MOU with Province

<https://www.ubcm.ca/sites/default/files/2022-08/MOU%20on%20Engagement%20with%20UBCM%20and%20Local%20Governments%20on%20First%20Nations%20Negotiations%20and%20Other%20Indigenous%20Initiatives.pdf>

### UBCM DRIPA resources

<https://www.ubcm.ca/policy-areas/current-policy-initiatives>

### *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*

<https://parl.ca/DocumentViewer/en/43-2/bill/C-15/royal-assent>

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