

# Municipality of North Cowichan

## Regular Council

### AGENDA

Wednesday, May 20, 2020, 1:30 p.m.  
Electronically

Pages

#### 1. CALL TO ORDER

This meeting, though electronic, is open to the public and all representations to Council form part of the public record.

At this time, due to the COVID-19 Pandemic, public access to Council Chambers is not permitted, however, this meeting may be viewed on the District's lived stream webcast at [www.northcowichan.ca](http://www.northcowichan.ca).

#### 2. APPROVAL OF AGENDA

Recommendation:

That Council adopt the agenda, as circulated [or as amended].

#### 3. MAYOR'S REPORT

#### 4. ADOPTION OF MINUTES

##### 4.1 Regular Council meeting held May 6, 2020

4 - 9

Recommendation:

That Council adopt the minutes of the Regular Council meeting held May 6, 2020.

#### 5. PUBLIC INPUT

The Mayor to acknowledge receipt of submissions circulated to Council prior to the meeting to [info@northcowichan.ca](mailto:info@northcowichan.ca) and state the agenda item the public input is in relation to on this agenda.

#### 6. REPORTS

##### 6.1 Resumption of Committee meetings through electronic means

10 - 21

Purpose: to consider resuming committee and other advisory body meetings via electronic means and for Council to determine how they wish to provide open meeting transparency.

Recommendation:

That Council remove their moratorium on committee and other advisory body meetings so that they may resume their meetings electronically;

And that staff be directed to livestream the meetings to provide open meeting transparency until such time as Ministerial Order No. M139, made on May 1, 2020, by the Minister of Public Safety and Solicitor General is lifted;

And further that the scheduling for reactivation of these electronic meetings shall be necessitated and prioritized by the need to execute decisions and/or direction by Council.

**7. NOTICES OF MOTIONS**

**8. UNFINISHED AND POSTPONED BUSINESS**

**8.1 Request for Reconsideration of BC Energy Step Code Decision**

22 - 59

Purpose: to advise Council on procedural requirements for reconsideration of their March 4, 2020 decision regarding the implementation strategy for the BC Energy Step Code, the provision of rebates, and amendments to the Building Bylaw.

Recommendation:

MOTION TO RECONSIDER: That Council reconsider their March 4, 2020 decision to endorse the BC Energy Step Code implementation strategy, the \$30,000 annual allocation for rebates, and amendments to the Building Bylaw.

If the MOTION TO RECONSIDER is adopted in the affirmative, the vote on the March 4, 2020 decision is erased and the motion, as originally moved and seconded, is before Council as follows:

That Council:

1. Endorse the implementation strategy for the BC Energy Step Code outlined in the February 19, 2020 staff report;
2. Allocate up to \$30,000 a year from the Climate Action and Energy Plan Reserve Fund for the provision of BC Energy Step Code rebates; and
3. Direct staff to draft an amendment to Building Bylaw No. 3172 to require that all new construction meet Step 2 of the BC Energy Step Code as of January 1, 2021 for consideration of first and second reading.

**9. NEW BUSINESS**

**9.1 Request from the BC Restaurant and Foodservices Association**

60 - 63

Purpose: to request Council's support for the hospitality industry with regards to patios.

**10. QUESTION PERIOD**

A 10-minute recess to be provided to give the public an opportunity to submit their questions by email to [QP@northcowichan.ca](mailto:QP@northcowichan.ca) regarding the business of this meeting to the email address provided on the screen during the meeting. The Mayor to read out the questions in the order they are received.

## 11. MOTION TO CLOSE MEETING

### Recommendation:

That Council close the May 20, 2020 Regular Council meeting at \_\_\_ p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, which the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- 90(2)(b) - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government.

11.1 Minutes from the May 6, 2020 closed meeting for adoption

11.2 Closed under section 90(1)(e) land disposition

11.3 Closed under sections 90(1)(e) land disposition and 90(2)(b) negotiations with provincial government

11.4 Closed under section 90(1)(e) land disposition

## 12. RISE AND REPORT

### Recommendation:

That Council rise (with or without) report and adjourn the Council Closed meeting at \_\_\_\_\_ p.m.

## 13. ADJOURNMENT

# **Municipality of North Cowichan**

## **Regular Council**

### **MINUTES**

**May 6, 2020, 1:30 p.m.**  
**Electronically**

Members Present	Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie Councillor Debra Toporowski
Members Absent	Councillor Kate Marsh
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Mark Frame, General Manager, Financial and Protective Services Ernie Mansueti, General Manager, Community Services Sarah Nixon, General Manager, Corporate Services David Conway, Director of Engineering Rob Conway, Director of Planning and Building Martin Drakeley, Manager, Fire and Bylaw Services Jason Birch, Chief Information Officer Megan Jordan, Acting, Manager, Communications and Public Engagement Shaun Mason, Municipal Forester Lane Killick, Chief Building Inspector Chris Hutton, Community Planning Coordinator Michelle Martineau, Corporate Officer Tricia Mayea, Deputy Corporate Officer

#### **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:30 p.m.

#### **2. APPROVAL OF AGENDA**

IT WAS MOVED AND SECONDED:

That Council adopt the agenda, as amended, to include a motion to rescind the November 20, 2019 decision to change the first meeting in June, 2020 to Tuesday, June 2, 2020, to be added to item 3.1.

**CARRIED**

#### **3. ADOPTION OF MINUTES**

##### **3.1 Special Council meeting held April 29, 2020**

IT WAS MOVED AND SECONDED:

That Council adopt the minutes of the Special Council meeting held April 29, 2020.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council rescind their November 20, 2019 decision to change the first meeting in June, 2020 to Tuesday, June 2, 2020 to accommodate the Council members attending the FCM conference.

**CARRIED**

#### **4. MAYOR'S REPORT**

Mayor Siebring provided a verbal update on meetings and activities he recently attended.

#### **5. PRESENTATIONS**

##### **5.1 2019 Audited Financial Statements**

Dan Little and Heather Prince, from the audit firm of Grant Thornton, provided an overview of their independent auditors report on the 2019 Audited Financial Statements.

Councillor Douglas left the meeting at 2:00 p.m. and returned at 2:25 p.m.

The meeting recessed at 2:06 p.m. and reconvened at 2:15 p.m.

IT WAS MOVED AND SECONDED:

That Council accept the 2019 Audited Financial Statements.

**CARRIED**

##### **5.2 RCMP 2019 Fourth Quarter and 2020 First Quarter Update**

Inspector Chris Bear, North Cowichan/Duncan RCMP Detachment, provided a verbal report regarding the detachment's activities and accomplishments between October 2019 and March 2020 and responded to questions of Council.

#### **6. PUBLIC INPUT**

Council received 5 submissions via email prior to the meeting regarding agenda items 8.2, 8.3 and 8.4. A summary of those submissions was read out in the meeting.

#### **7. BYLAWS**

##### **7.1 Adoption of Zoning Amendment Bylaw No. 3766 (1038 Herd Road), 2019**

IT WAS MOVED AND SECONDED:

That Council adopt "Zoning Amendment Bylaw (1038 Herd Road), 2019", No. 3766.

**CARRIED**

##### **7.2 Adoption of Five-Year Financial Plan Amendment Bylaw, No. 3791, 2020**

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Five-Year Financial Plan Amendment Bylaw, No. 3791, 2020.

(Opposed: Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council adopts Five-Year Financial Plan Amendment Bylaw, No. 3791, 2020.

(Opposed: Manhas)

**CARRIED**

**7.3 Adoption of Mutual Aid Agreement Repeal Bylaw, No. 3790, 2020 and Authorization of Cowichan Valley Mutual Aid Agreements**

IT WAS MOVED AND SECONDED:

That Council give first, second and third readings to Mutual Aid Agreement Repeal Bylaw, No. 3790, 2020.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council adopt Mutual Aid Agreement Repeal Bylaw, No. 3790, 2020.

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council authorize the Mayor and Corporate Officer to sign the Cowichan Valley Fire Department Regional Mutual Aid Agreement.

**CARRIED**

**8. REPORTS**

**8.1 Development Permit with Variance Application No.DPV00001 for 6812 Stoney Hill Rd**

IT WAS MOVED AND SECONDED:

That Council authorize the issuance of development permit with variance application DPV00001, and a development permit issued for the construction of a new accessory structure at 6812 Stoney Hill Road that varies Section 13(1)(c) and Section 56(6)(d) of Zoning Bylaw No. 2950 by reducing the required setback from a watercourse from 15 metres to 10.5 metres and the required north side yard setback from 3 metres to 2.5 metres.

**CARRIED**

**8.2 Proceeding with Digital Engagement on the Official Community Plan Update Project**

IT WAS MOVED AND SECONDED:

That the motion to *"approve the interim digital engagement activities proposed and direct staff to proceed with public engagement on the Official Community Plan Update"* be amended to add the words "subject to consultation and engagement with the Official Community Plan Advisory Committee and Ambassadors" to the end of the motion.

Opposed (Manhas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council approve the interim digital engagement activities proposed and direct staff to proceed with public engagement on the Official Community Plan Update, subject to consultation and engagement with the Official Community Plan Advisory Committee and Ambassadors.

Opposed (Siebring and Manhas)

**CARRIED**

**8.3 Proceeding with Engagement on the Future of the Municipal Forest Reserve Engagement**

IT WAS MOVED AND SECONDED:

That the motion to *"approve the revisions to the Plan for public engagement on the future of the Municipal Forest Reserve and direct staff to move forward with:*

- *Digital engagement that sufficiently fulfills the University of British Columbia's needs to make a recommendation on the Interim Management Plan which includes increased*

*stakeholder interviews, an additional working group meeting, an online survey, and a Forestry Advisory Committee meeting; and*

- *Continuation of the original Plan for Round Two public engagement, beginning January 2021, on the Municipal Forest Reserve"*

be amended by striking out the words "beginning January 2021" in the second bullet and replacing them with "as soon as engagement can take place in person".

Opposed (Douglas)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council approve the revisions to the Plan for public engagement on the future of the Municipal Forest Reserve and direct staff to move forward with:

- Digital engagement that sufficiently fulfills the University of British Columbia's needs to make a recommendation on the Interim Management Plan which includes increased stakeholder interviews, an additional working group meeting, an online survey, and a Forestry Advisory Committee meeting; and
- Continuation of the original Plan for Round Two public engagement, as soon as engagement can take place in person, on the Municipal Forest Reserve.

**CARRIED**

IT WAS MOVED AND SECONDED:

That the meeting be extended to 7:00 p.m.

**CARRIED**

#### **8.4 Proceeding with Digital Engagement on the Climate Action and Energy Plan Update Project**

IT WAS MOVED AND SECONDED:

That Council approve the digital engagement proposal and direct staff to proceed with public engagement on the Climate Action and Energy Plan Update.

**CARRIED**

Councillor Toporowski declared a conflict of interest on the next item, stating the reason being as she is a Cowichan Tribes Councillor and left the meeting at 4:40 p.m.

#### **8.5 Proceeding with Safe Engagement on the Joint Utilities Board Sewage Outfall Project during the COVID-19 Pandemic**

IT WAS MOVED AND SECONDED:

That Council approve the safe engagement proposal and direct staff to proceed with public engagement on the Joint Utilities Board Sewage Outfall Relocation Project.

**CARRIED**

Councillor Toporowski returned to the meeting at 4:42 p.m.

#### **8.6 Summary of Referral Responses for Cannabis Production Facilities in the Agricultural Land Reserve**

IT WAS MOVED AND SECONDED:

That Council direct staff to prepare a report on a policy and/or regulations to assess applications for non-soil-based cannabis production facilities on a case-by-case basis.

**CARRIED**

**9. NOTICE OF MOTIONS**

No items.

**10. UNFINISHED AND POSTPONED BUSINESS**

**10.1 Request for Reconsideration of BC Energy Step Code Decision**

Councillor Douglas requested that Council reconsider the following motion that passed at the March 4, 2020 regular meeting (due to COVID-19, this request for reconsideration which was included on the March 18, 2020 regular meeting had been removed from that agenda so that Council could deal with just urgent matters).

Resolution from March 4, 2020:

IT WAS MOVED AND SECONDED:

That Council:

1. Endorse the implementation strategy for the BC Energy Step Code outlined in the February 19, 2020 staff report;
2. Allocate up to \$30,000 a year from the Climate Action and Energy Plan Reserve Fund for the provision of BC Energy Step Code rebates; and
3. Direct staff to draft an amendment to Building Bylaw No. 3172 to require that all new construction meet Step 2 of the BC Energy Step Code as of January 1, 2021 for consideration of first and second reading.

(Opposed: Justice)

**CARRIED**

IT WAS MOVED AND SECONDED:

That Council postpone consideration of the motion to *"Reconsider the March 4, 2020 decision regarding the BC Energy Step Code"* pending a staff report to be presented at the next meeting.

**CARRIED**

**11. NEW BUSINESS**

**11.1 Establishment of a Formal Process for Notices of Motion**

IT WAS MOVED AND SECONDED:

That Council direct staff to draft a Notice of Motion policy which includes the following provisions:

1. The content for all notice of motions shall include a subject heading/topic, an introduction with a brief outline of 500 words or less, and the notice of motion recommendation;
2. Deadline for submitting a notice of motion shall be one week prior to the meeting;
3. Notices of motion shall be introduced at Council meetings;
4. Members shall not be allowed to provide any introductory remarks when giving notice of their motion;
5. Members shall not be permitted to ask clarifying questions when the notice of motion is given;
6. Notices of motion shall be referred to staff where there are policy implications, statutory requirements, a financial or budgetary impact, staff resource requirements, or where Council would like to consider alternative options at the same time;



7. Notices of motion may be withdrawn at any time prior to the meeting date where it will be considered;
8. Notices of motion may be amended for any reason; and
9. Where the maker of the notice of motion is absent, the motion shall be automatically postponed to the next regular meeting. **CARRIED**

The meeting recessed at 5:15 p.m. and reconvened at 5:25 p.m.

## **12. QUESTION PERIOD**

Mayor Siebring called for a recess at 5:27 p.m. to allow viewers to submit questions via email on the matters discussed during the meeting. No questions had been submitted when the meeting reconvened at 5:40 p.m.

## **13. CLOSED SESSION**

IT WAS MOVED AND SECONDED:

That Council close the May 6, 2020 Regular Council meeting at 5:40 p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(a) - personal information about an identifiable individual who holds or is being considered for a position appointed by the municipality;
- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, which the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and
- 90(2)(b) - the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government. **CARRIED**

## **14. RISE AND REPORT**

Council rose and reported on the following from the matter from the closed session:

### **14.1 Appointment to Forestry Advisory Committee**

IT WAS MOVED AND SECONDED:

That Council appoint Vicki Holman to replace Jane Kaiser as the representative for the Cowichan Trails Stewards Society to the Forestry Advisory Committee effective immediately. **CARRIED**

## **15. ADJOURNMENT**

Council adjourned the meeting at 6:21 p.m.


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Certified by Corporate Officer

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Signed by Mayor

# Report

Date	May 20, 2020	File:
To	Council	
From	Michelle Martineau, Manager, Legislative Services	Endorsed: 
Subject	Resumption of Committee Meetings through electronic means	

## Purpose

To consider resuming committee and other advisory body meetings via electronic means and for Council to determine how they wish to provide open meeting transparency.

## Background

On April 29, 2020, staff recommended that the moratorium should be left in place for committee and advisory body meetings (see resolution below) until after Council had received more information on conducting virtual and digital public engagement. Council was advised that following receipt of that information a staff report for resuming committee and advisory body meetings electronically would be provided.

### IT WAS MOVED AND SECONDED

*That Council resume their regular meetings electronically while the provincial physical distancing measures are in place to allow non-urgent business to proceed;*

*And That the moratorium placed on delegations, public hearings, and Committee and Other Advisory Body meetings remain in place at this time;*

*And That Council waive the limit for public input submissions and that staff be directed to circulate all Public Input emails received in advance to Council, at least 30 minutes prior to the meeting, and further that the Corporate Officer or Mayor acknowledge receipt of submissions and state the agenda item the public input is in relation to;*

*And Further That Council take a 10-minute recess just prior to the Question Period to allow the public to submit their questions via email to the address displayed on the screen.*

**CARRIED**

The additional information requested from Communications and Engagement staff, and engagement consultants on select files for conducting virtual and digital public engagement, was presented on May 6, 2020. Council adopted several resolutions at that meeting, however, two of those decisions, which were related to the Official Community Plan (OCP) Update and the future of the Municipal Forest Reserve necessitated the resumption of meetings by the Forestry Advisory Committee (FAC), the Official Community Plan (OCP) Advisory Group and the OCP Ambassadors in order to proceed with the engagement outlined in the reports presented to Council.

Although the motion below, in relation to the Municipal Forest Reserve and the Interim Management Plan, authorized the FAC to hold a meeting, that resolution limited that authority to just one meeting.

### IT WAS MOVED AND SECONDED:

*That Council approve the revisions to the Plan for public engagement on the future of the Municipal Forest Reserve and direct staff to move forward with:*

- *Digital engagement that sufficiently fulfills the University of British Columbia's needs to make a recommendation on the Interim Management Plan which includes increased stakeholder interviews, an*

- *additional working group meeting, an online survey, and a Forest Advisory Committee meeting; and*  
*Continuation of the original Plan for Round Two public engagement, as soon as engagement can take place in person, on the Municipal Forest Reserve.*

**CARRIED**

The motion in relation to the OCP Update (see motion below) involved an amendment to include the caveat that staff consult with the OCP Advisory Committee and OCP Ambassadors. However, the motion did not specifically lift Council's suspension of advisory body meetings which would permit these groups to resume their planned meetings, as they are an essential component of that engagement.

IT WAS MOVED AND SECONDED:

*That Council approve the interim digital engagement activities proposed and direct staff to proceed with public engagement on the Official Community Plan Update, subject to consultation and engagement with the Official Community Plan Advisory Committee and Ambassadors.*

Opposed (Siebring and Manhas)

**CARRIED**

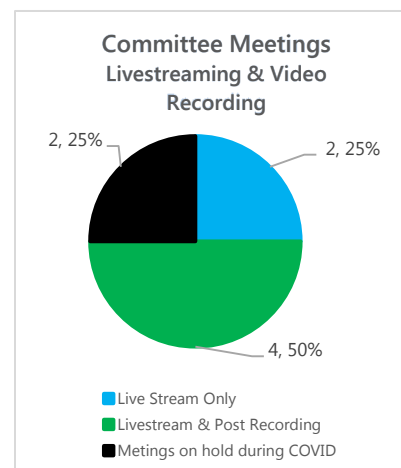
In addition to permitting the above committee and advisory bodies to meet to help facilitate the public engagement authorize by Council on May 6, 2020, lifting the moratorium will enable other bodies who meet on a regular basis, such as the First Nations Relations Committee and the Joint Utilities Board, to resume their meetings.

## Discussion

Although, section 93 of the *Community Charter*, applies the "open meeting" rule to all committees and advisory bodies that Council has established, Ministerial Order M139 allows those meetings to be held without the public in attendance and still be considered open while the provincial declaration of a state of emergency made on March 18, 2020 is in effect. The Order does not include any livestreaming or other transparency requirements, leaving it to Council to determine if and how it wishes to provide open meeting transparency.

Committee meetings, unlike Council meetings, do not provide an opportunity for the public to be heard on the matters discussed at their meetings. The public's only right at these meetings is limited to being able to observe the proceedings. Therefore, resuming committee meetings, should be a much simpler process than it was for regular Council meetings, as there are no public participation requirements to consider.

Staff surveyed 15 other local governments on Vancouver Island (ACRD, Comox, Courtenay, Cumberland, CVRD, Duncan, Lantzville, Nanaimo, Nanaimo RD, Port Alberni, Powell River, Qualicum Beach, Qathet RD, Tofino and Ucluelet) to inquire whether they were proceeding with their committee meetings electronically or waiting until the physical distancing measures put in place by the province were no longer in effect. Staff received responses from 8 of the 15 communities surveyed, of which 6 are currently holding their committee meetings electronically. Of those 6, 4 were livestreaming and posting the video recordings on their website and 2 were just livestreaming. The other 2 communities who responded were smaller communities (Lantzville and Qualicum Beach) who have cancelled their committee meetings during the pandemic.



## Options

1. **Livestream the meeting so that the public can observe the discussions taking place.** This option is the recommended option as it would be close to mimicking a “real in person” meeting. Members would participate either by video or audio means in the meeting. A survey of committee members confirmed only 2 to 3 do not possess the technology to participate via video means. Those committee members can be provided with a safe and physically distanced space at the Municipal Hall to participate as necessary. Staff are recommending that meetings would not be recorded and posted online under this option.
2. **Livestream the meeting and post the video recording to the website after the meeting.** This option goes further than the organization’s existing practice for in-person committee meetings, as members of the public would be able to view the video recording on demand. The challenge with this option is that we may be creating an expectation to continue to record the meetings after the physical distancing measures are no longer in effect, and the personnel implications of that are discussed below. Further, this option may be less supportive of our committee member volunteers based on previous feedback some members prefer not be recorded on video.
3. **Conduct meetings virtually but consider streaming and recording for each committee or advisory body separately.** This option would allow Council to consider the impacts to livestreaming and/or recording meeting videos for each individual advisory body to determine potential impacts to participants’ participation in the meeting.
4. **Conduct meetings virtually for committee/advisory body members only.** This option, though allowed under M139, provides no open meeting transparency.

## Implications

### 1. Financial/Social

As previously reported, there are two or three committee members who may not have the technology required to participate (e.g. smartphone, tablet or computer with a camera) and may need to be provided with a tablet (approximate cost of \$700 each). However, the WebEx software does allow audio participation only, so members without a smartphone or tablet could simply call in or the municipality could designate space for their participation at the Municipal Hall. Potential challenges include providing paper agendas on a timely basis for those participating by phone, and ensuring that the space used by participants is sterilized before and after their use to prevent the spread of COVID-19. Previously staff had thought that there could be additional WebEx licence fees required, but have determined that our existing licences shall be sufficient to facilitate these video meetings.

### 2. Personnel

Each (non-Council) committee member will need to be provided training and a system test to ensure they can successfully connect, which takes approximately 30 minutes per participant. In addition, significant IT staff resources will be required to assist with facilitating these virtual meetings. This re-allocation of resources is supportable in the short-term to ensure business

continuity through the COVID-19 pandemic. However, Council should be aware that establishing virtual meetings and livestreaming as a permanent service level change for committee meetings will result in a decrease of IT client services capacity, and may also impact IM/IT Department project commitments; it may also necessitate a permanent staffing request, depending on the number of committees requiring support into the future.

Another consideration is the safety of committee members and staff when letting committee members into the Municipal Hall, therefore, committee members would require training on the safe work procedures established for mitigating the threat of COVID-19 to keep everyone safe.

### **Recommendation**

That Council remove their moratorium on committee and other advisory body meetings so that they may resume their meetings electronically;

And that staff be directed to livestream the meetings to provide open meeting transparency until such time as Ministerial Order No. M139, made on May 1, 2020, by the Minister of Public Safety and Solicitor General is lifted;

And further that the scheduling for reactivation of these electronic meetings shall be necessitated and prioritized by the need to execute decisions and/or direction by Council.

Attachment(s):

- Ministerial Order No. M139

# PROVINCE OF BRITISH COLUMBIA

## ORDER OF THE MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL

### *Emergency Program Act*

### Ministerial Order No. M139

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS local governments, including the City of Vancouver, and related bodies must be able to conduct their business in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of members and employees of local government and related bodies and members of the public;

AND WHEREAS it is recognized that public participation in local governance is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that local governments and related bodies implement necessary limitations on this public participation;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that

- (a) the Local Government Meetings and Bylaw Process (COVID-19) Order made by MO 83/2020 is repealed, and
- (b) the attached Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 is made.

May 01, 2020

Date

  
Minister of Public Safety and Solicitor General

*(This part is for administrative purposes only and is not part of the Order.)*

#### Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 83/2020; OIC 207/2020

# LOCAL GOVERNMENT MEETINGS AND BYLAW PROCESS (COVID-19) ORDER NO. 2

## Division 1 – General

### Definitions

**1** In this order:

“**board**” has the same meaning as in the Schedule of the *Local Government Act*;

“**council**” has the same meaning as in the Schedule of the *Community Charter*;

“**improvement district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**local trust committee**” has the same meaning as in section 1 of the *Islands Trust Act*;

“**municipality**” has the same meaning as in the Schedule of the *Community Charter*;

“**municipality procedure bylaw**” has the same meaning as “procedure bylaw” in the Schedule of the *Community Charter*;

“**regional district**” has the same meaning as in the Schedule of the *Local Government Act*;

“**regional district procedure bylaw**” means a procedure bylaw under section 225 of the *Local Government Act*;

“**trust body**” means

- (a) the trust council,
  - (b) the executive committee,
  - (c) a local trust committee, or
  - (d) the Islands Trust Conservancy,
- as defined in the *Islands Trust Act*;

“**Vancouver council**” has the same meaning as “Council” in section 2 of the *Vancouver Charter*;

“**Vancouver procedure bylaw**” means a bylaw under section 165 [*by-laws respecting Council proceedings and other administrative matters*] of the *Vancouver Charter*.

### Application

- 2**
- (1) This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* and any extension of the duration of that declaration is in effect.
  - (2) This order replaces the Local Government Meetings and Bylaw Process (COVID-19) Order made by MO 83/2020.

## **Division 2 – Open Meetings**

### **Open meetings – municipalities**

- 3** (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, is not required to allow members of the public to attend an open meeting of the council or body.
- (2) For the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, if a council or a body does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite
- (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, and
  - (b) any applicable requirements in a municipality procedure bylaw of a council.

### **Open meetings – regional districts**

- 4** (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, is not required to allow members of the public to attend an open meeting of the board, committee or body.
- (2) For the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter* as that Division applies to a regional district under section 226 of the *Local Government Act*, if a board, a board committee or a body does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite
- (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*,
  - (b) section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, and
  - (c) any applicable requirements in a regional district procedure bylaw of a board.

### **Open meetings – Vancouver**

- 5** (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, is not required to allow members of the public to attend an open meeting of the council or body.
- (2) For the purposes of section 165.1 [*general rule that meetings must be open to the public*] of the *Vancouver Charter*, if the Vancouver council or a body does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite



- (a) section 165.1 of the *Vancouver Charter*, and
- (b) any applicable provision in the Vancouver procedure bylaw.

#### **Open meetings – trust bodies**

- 6 (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, is not required to allow members of the public to attend an open meeting of the trust body or board of variance.
- (2) For the purposes of section 11 [*procedures to be followed by local trust committees*] of the *Islands Trust Act*, if a trust body or board of variance does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public.
- (3) This section applies despite
  - (a) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the *Islands Trust Regulation*, B.C. Reg. 119/90, and
  - (b) any applicable requirements in a procedure bylaw of a trust body.

### **Division 3 – Electronic Meetings**

#### **Electronic meetings – municipalities**

- 7 (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, may conduct all or part of a meeting of the council or body by means of electronic or other communication facilities.
- (2) A member of a council or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) Section 128 (2) (c) and (d) [*electronic meetings and participation by members*] of the *Community Charter* does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section.
- (4) This section applies despite
  - (a) section 128 of the *Community Charter*, and
  - (b) any applicable requirements in a municipality procedure bylaw of a council.

#### **Electronic meetings – regional districts**

- 8 (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, may conduct all or part of a meeting of the board or committee by means of electronic or other communication facilities.
- (2) A member of a board, board committee or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) Section 2 (2) (d) and (e) [*electronic meetings authorized*] of the *Regional District Electronic Meetings Regulation*, B.C. Reg. 271/2005, does not apply in respect

of a meeting conducted by means of electronic or other communication facilities under this section.

- (4) This section applies despite
  - (a) section 221 [*electronic meetings and participation by members*] of the *Local Government Act*,
  - (b) the Regional District Electronic Meetings Regulation, B.C. Reg. 271/2005, and
  - (c) any applicable requirements in a regional district procedure bylaw of a board.

#### **Electronic meetings – Vancouver**

- 9
  - (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, may conduct all or part of a meeting of the council or body by means of electronic or other communication facilities.
  - (2) A member of the Vancouver council or other body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
  - (3) Section 2 (2) (c) and (d) [*electronic meetings authorized*] of the City of Vancouver Council Electronic Meetings Regulation does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section.
  - (4) This section applies despite
    - (a) section 164.1 [*meeting procedures*] of the *Vancouver Charter*,
    - (b) the City of Vancouver Council Electronic Meetings Regulation, B.C. Reg. 42/2012, and
    - (c) any applicable provision in the Vancouver procedure bylaw.

#### **Electronic meetings – improvement districts**

- 10
  - (1) An improvement district board, or a committee of an improvement district board appointed or established under section 689 [*appointment of select and standing committees*] of the *Local Government Act*, may conduct all or part of a meeting of the improvement district board or committee, other than an annual general meeting, by means of electronic or other communication facilities.
  - (2) A member of an improvement district board or committee of an improvement district board who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
  - (3) This section applies despite
    - (a) section 686 [*meeting procedure – improvement district board*] of the *Local Government Act*, and
    - (b) any applicable requirements in a procedure bylaw of an improvement district board.

#### **Electronic meetings – trust bodies**

- 11** (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, may conduct all or part of a meeting of trust body or board of variance by means of electronic or other communication facilities.
- (2) A member of a trust body or board of variance who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) This section applies despite
- (a) section 2 [*electronic meetings authorized*] of the Islands Trust Electronic Meetings Regulation, B.C. Reg. 283/2009, and
  - (b) any applicable requirements in a procedure bylaw of a trust body or applicable to a board of variance.

### **Division 4 – Timing Requirements**

#### **Timing requirement for bylaw passage – municipalities**

- 12** Despite section 135 (3) [*requirements for passing bylaws*] of the *Community Charter*, a council may adopt a bylaw on the same day that a bylaw has been given third reading.

#### **Timing requirement for bylaw passage – regional districts**

- 13** Despite section 228 [*bylaw adoption at same meeting as third reading*] of the *Local Government Act*, a board may adopt a bylaw described in that section at the same meeting at which the bylaw passes third reading if the motion for adoption receives the majority of the votes cast.

#### **Timing requirement for bylaw passage – trust bodies**

- 14** Despite section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the Islands Trust Regulation, B.C. Reg. 119/90, a trust body may adopt a bylaw on the same day that a bylaw has been given third reading.

### **Division 5 – Public Hearings**

#### **Public hearings – Local Government Act**

- 15** (1) A public hearing under Part 14 [*Planning and Land Use Management*] or 15 [*Heritage Conservation*] of the *Local Government Act*, including a public hearing under section 29 (1) (b) [*land use and subdivision regulation*] of the *Islands Trust Act*, may be conducted by means of electronic or other communication facilities.
- (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
- (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
  - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and

- (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
- (3) This section applies to delegated public hearings.
- (4) This section applies despite the following provisions:
  - (a) section 124 [*procedure bylaws*] of the *Community Charter*;
  - (b) section 225 [*procedure bylaws*] of the *Local Government Act*;
  - (c) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the Islands Trust Regulation, B.C. Reg. 119/90;
  - (d) section 2 [*electronic meetings authorized*] of the Islands Trust Electronic Meetings Regulation, B.C. Reg. 283/2009;
  - (e) any applicable requirements in a procedure bylaw made under the *Community Charter*, the *Local Government Act* or the *Islands Trust Act*.

#### **Public hearings – Vancouver Charter**

- 16**
- (1) A public hearing under Division 2 [*Planning and Development*] of Part 27 [*Planning and Development*] of the *Vancouver Charter* may be conducted by means of electronic or other communication facilities.
  - (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
    - (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
    - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
    - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
  - (3) This section applies despite
    - (a) section 566 [*amendment or repeal of zoning by-law*] of the *Vancouver Charter*, and
    - (b) any applicable provision in the Vancouver procedure bylaw.

### **Division 6 – Deferral of Annual Requirements**

#### **Annual general meeting and requirements – improvement districts**

- 17**
- (1) An improvement district may defer an annual general meeting that is required under section 690 [*annual general meeting – improvement districts*] of the *Local Government Act* to a date not later than December 31, 2020.
  - (2) An improvement district may defer the preparation of financial statements required under section 691 [*annual financial statements*] of the *Local Government Act* to a date not later than December 31, 2020.
  - (3) Despite the date referred to in section 691 (5) of the *Local Government Act*, an improvement district may submit to the inspector the audited financial statements of the improvement district for the preceding year and any other financial

information required by the inspector at the time of the annual general meeting of the improvement district.

- (4) If an annual general meeting of an improvement district is deferred under subsection (1) of this section and the term of an improvement district trustee would be expiring and the vacancy filled at that meeting, the term of the improvement district trustee is extended until the annual general meeting is held.
- (5) This section applies despite
  - (a) Division 3 [*Governance and Organization*] of Part 17 [*Improvement Districts*] of the *Local Government Act*, and
  - (b) any applicable provisions in a letters patent for an improvement district.

# Report

Date May 20, 2020

File:

To Council

From Michelle Martineau, Manager, Legislative Services

Endorsed:



Subject **Request for Reconsideration of BC Energy Step Code Decision**

## Purpose

To advise Council on procedural requirements for reconsideration of their March 4, 2020 decision regarding the implementation strategy for the BC Energy Step Code, the provision of rebates, and amendments to the Building Bylaw.

## Background

On February 19, 2020 the Chief Building Inspector presented a strategy to the Committee of the Whole for implementing the BC Energy Step Code (see attachments) which included staff training, program administration and amendments to the Building Bylaw. The Committee of the Whole subsequently adopted the following motion which was brought forward to the March 4, 2020 regular meeting for Council endorsement:

IT WAS MOVED AND SECONDED:

That the Committee of the Whole recommend to Council:

1. That the implementation strategy for the BC Energy Step Code outlined in the attached February 19, 2020 staff report, be endorsed;
2. That up to \$30,000 a year be allocated from the Climate Action and Energy Plan Reserve Fund for the provision of BC Energy Step Code rebates;
3. That staff be directed to draft an amendment to Building Bylaw No. 3172 to require that all new construction meet Step 2 of the BC Energy Step Code as of January 1, 2021 for consideration of first and second reading; and
4. That staff be directed to draft a BC Energy Step Code rebate policy for Council's review and consideration at a future meeting.

CARRIED

When the motion was considered by Council on March 4, 2020, Council considered the first three bullets of their recommendation, which passed by a motion of six to one with Councillor Justice being opposed. Following adoption of bullet number four (which Councillor Douglas had opposed), Council by a unanimous vote, directed staff to prepare a report on a rebate policy that focused on renovations to existing dwellings. On that same day, Councillor Douglas submitted his request that the motion which endorsed the first three bullets be reconsidered. The motion was then brought forward to the March 18, 2020 regular meeting so that Council could decide whether they wished to reconsider the matter or not. However, due to the COVID-19 pandemic, this matter was removed from the agenda with all other non-urgent matters.

The request for reconsideration was then brought forward for Council's consideration on May 6, 2020, following their decision to resume regular meetings electronically to allow non-urgent business to proceed. However, during Council's consideration of the motion to reconsider their March 4, 2020 decision, Council postponed consideration of the motion to reconsider pending a staff report to be

presented at the next meeting.

## Discussion

The motion to reconsider enables the majority of Council to bring back a matter that has been previously voted on for further consideration. However, the motion does have some limitations, as a matter can only be brought back by the Mayor (under section 131 of the *Community Charter*) or by a member who has voted on the prevailing side (under subsection 25(1) of Council Procedure Bylaw No. 3602) within 30 days of the original vote. Further to that, subsection 25(2)(c) of the Council Procedure Bylaw, prevents Council from reconsidering a decision which has “been acted on by an officer, employee, or agent of the District” (see applicable excerpt below). Staff have not materially acted on Council’s March 4, 2020 direction, with the exception of some time allocated to preparing a bylaw amendment.

Unlike when the Mayor requires a matter to be reconsidered under section 131 of the *Community Charter*, where the vote is automatically erased, reconsideration by a Council member requires the adoption of two motions to change a vote on a matter previously adopted by Council.

- (1) The purpose of the first motion, which is the motion to reconsider Council’s previous decision, is to determine if the majority of Council agree that they wish to discuss the matter further and potentially be convinced to change their original vote. The motion to reconsider must be adopted in the affirmative, or in other words the majority of Council members present, prior to Council debating the merits of the original motion.
- (2) Following adoption of the motion to reconsider, Council must immediately consider their original motion, or in other words, the second motion. The March 4, 2020 motion, as originally moved and seconded would then be on the floor for further debate and subsequent voting.

### **Council Procedure Bylaw No 3602 Excerpt: Reconsideration by Council member**

- 25 (1) In addition to the Mayor's power to direct reconsideration under section 131 [*mayor may require reconsideration*] of the *Community Charter*, a council member who voted with the prevailing side may, within 30 days of the original vote, (a) move to reconsider a resolution adopted or defeated by council, or (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) Despite subsection (1), a resolution must not be reconsidered under this section if it has
  - (a) had the approval or assent of the electors and been adopted,
  - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*, or
  - (c) been acted on by an officer, employee, or agent of the District.
- (3) For certainty, each resolution or reading of a bylaw may be reconsidered under this section.
- (4) Despite subsection (3), resolutions for final adoption of an official community plan bylaw or zoning bylaw must not be reconsidered.
- (5) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (6) A vote to reconsider must not be reconsidered.
- (7) A voting requirement that applied to the adoption of the original resolution or bylaw applies to its reconsideration under this section.
- (8) An adopted bylaw or resolution that is reaffirmed under this section or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.
- (9) An adopted bylaw or resolution that is not reaffirmed under subsection (1) or section 131 of the *Community Charter* is of no effect and is deemed to be repealed.

The effect of the motion to reconsider is to erase the original vote and put Council in exactly the same place it was right before the vote occurred on March 4, 2020. The motion may only be moved by a member who has voted with the prevailing side and can be seconded by any member of Council, as there is no requirement on the vote of the member seconding the motion. The motion is debateable, which means Council may debate whether they wish to reconsider the matter or not, however, subsection 25(5) of the Council Procedure Bylaw does prevent any debate on the content of that original motion until the motion to reconsider has been adopted.

### Options

1. **Reconsider the March 4, 2020 decision.** The motion to reconsider must be adopted in the affirmative before Council may discuss the main matter referred to in their main motion adopted on March 4, 2020 and vote again. The motion to reconsider is in order as the request from Councillor Douglas was within the 30-day requirement and had been brought forward to Council for consideration initially on March 18, 2020.
2. **Maintain the March 4, 2020 decision.** If the motion to reconsider is not seconded or does not pass with an affirmative, the decision on March 4, 2020 will stand (remain in effect).

### Implications

If this matter is reconsidered, Council may not reconsider the matter again.

### Recommendation

**MOTION TO RECONSIDER:** That Council reconsider their March 4, 2020 decision to endorse the BC Energy Step Code implementation strategy, the \$30,000 annual allocation for rebates, and amendments to the Building Bylaw.

If the MOTION TO RECONSIDER is adopted in the affirmative, the vote on the March 4, 2020 decision is erased and the motion, as originally moved and seconded, is before Council as follows:

That Council:

1. Endorse the implementation strategy for the BC Energy Step Code outlined in the February 19, 2020 staff report;
2. Allocate up to \$30,000 a year from the Climate Action and Energy Plan Reserve Fund for the provision of BC Energy Step Code rebates; and
3. Direct staff to draft an amendment to Building Bylaw No. 3172 to require that all new construction meet Step 2 of the BC Energy Step Code as of January 1, 2021 for consideration of first and second reading.

Attachment(s):

2020-02-19 Report to COW re BC Energy Step Code



# Report

Date February 19, 2020  
To Committee of the Whole  
From Lane Killick, Chief Building Inspector  
Subject BC Energy Step Code Implementation Strategy

File: SPP00070  
3090-20/1950

Endorsed:



## Purpose

To provide the Committee of the Whole with an implementation strategy and recommendation for Council on the BC Energy Step Code.

## Background

At the December 18, 2019 meeting of the Committee of the Whole, a report (Attachment A) on the merits of implementing the BC Energy Step Code was presented. Following review of the report and a staff presentation, the following resolution was passed:

*That the Committee of the Whole recommend that Council direct staff to prepare a phased implementation strategy for the BC Energy Step Code that combines regulation, incentives and industry engagement.*

This report provides a strategy for implementing the BC Energy Step Code (the Step Code) in North Cowichan.

## Discussion

The proposed Step Code implementation strategy has five components:

### 1. **Staff Training:**

Prior to the launch of the Step Code program, building inspection staff will require training to familiarize themselves with Step Code inspection procedures and processes. Training opportunities are available through the Building Officials Association of BC and the Energy Step Code Council. Staff training will be accommodated within existing budget for staff development.

### 2. **Program Administration:**

It will be necessary to develop application forms, brochures, promotional materials and other documents in advance of the Step Code program launch. It may also be necessary adjust building inspection procedures and other current practices in order to shift from the current prescriptive building code requirements to the performance based standards in the Step Code. By establishing the administrative materials and processes required to implement the program in advance of the program launch, the process for applying for a building permit base on the Step Code should be more easily understood and followed by applicants and staff.

3. **Building Bylaw Amendment:** The proposed amendment would, based on previous Council direction, require that all new construction comply with Step 2 of the BC Energy Step Code as of January 1, 2021. In order to enact the Step Code in North Cowichan as directed, an amendment to the Building Bylaw (Bylaw No. 3172) is required.

The Province has indicated that it intends to mandate Step 3 of the BC Energy Step Code in 2022. Should that happen, further amendments to the Building Bylaw may be required at that time. Alternatively, should Step 3 not be mandated by the Province, Council may wish to consider future amendments to the Building Bylaw to require higher level steps.

4. **Rebate Program:**

A primary objective of initiating the Step Code in North Cowichan in advance of it being mandated thought the BC Building Code is to assist the local building and development industry to transition to the Step Code's performance-based building standards. A rebate program is a recommended strategy for encouraging the industry to participate in the transition and to help offset some of the costs associated with the transition. Early participation in the Step Code program is also expected to have a positive effect on the energy efficiency of North Cowichan's building stock, by encouraging a higher energy efficiency standard in advance of mandatory requirements.

Proposed rebates (Table 1) are structured to provide incentives for projects that *voluntarily* achieve a given steps, with increased incentives for higher-level steps. Eligibility for a rebate would be determined at the time of building permit issuance and would be paid at the time of building completion (occupancy). As an example, if someone applied to build a home in October 2020, achieved Step 2, and obtained occupancy in March 2021, they would qualify for the \$500 Step rebate, even though Step 2 is required at the time of completion. If an applicant applied in January 2021 and completed in September 2021, they would only qualify for a rebate for a Step 3 or higher build.

Table 1

Step	Rebate Offered	Anticipated Efficiency Increase
1	\$0	0%
2	\$500	10%
3	\$750	20%
4	\$1,000	40%
5	\$1,250	80%

It is recommended that the terms and conditions for Step Code rebates be set-out in a Council Policy. A draft rebate policy is provided in Attachment B.

Funding for the rebate program is proposed from the Climate Action and Energy Fund. It is recommended that up to \$30,000 per year be allocated to the rebate program, to be issued on a first-come, first served basis.

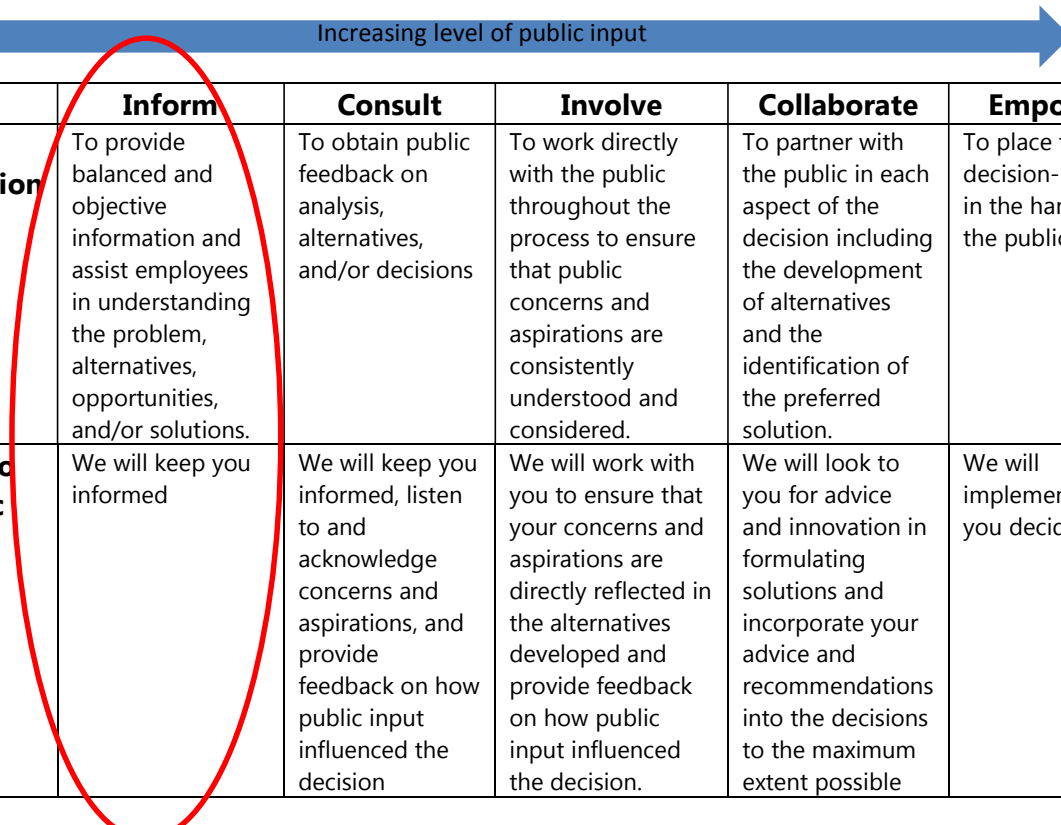
## 5. ***Public Engagement:***


This engagement strategy has been developed in collaboration with the Municipality's communications staff. It is intended to address two engagement goals:

1. Prior to Program Launch: To inform all stakeholders and the public about the BC Energy Step Code, including pending Building Bylaw changes effective 2021 and the anticipated mandate of Step Code in the 2022 *BC Building Code*.
2. Following Program Launch: To promote and educate industry stakeholders and prospective building clients about the Step Code Rebate Program.

Engagement efforts will mainly inform, focusing on educating industry professionals and the public about the Step Code and the Rebate Program.

### *Spectrum of Public Participation*



Increasing level of public input 

	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
<b>Public Participation Goal</b>	To provide balanced and objective information and assist employees in understanding the problem, alternatives, opportunities, and/or solutions.	To obtain public feedback on analysis, alternatives, and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public
<b>Promise to the public</b>	We will keep you informed	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	We will implement what you decide

### *Engagement Methods:*

#### Print Media:

- The monthly building newsletter – which currently has about 140 subscribers – will include regular features about BC Energy Step Code and the Step Code Rebate Program with a static reminder and link to our webpage in every newsletter.
- A program webpage will be set up on northcowichan.ca to communicate information about the BC Step Energy Code Program, the Step Code Rebate Program, and any other relevant programs.

- Links will be shared in the newsletter and on the website to encourage stakeholders to also sign up for Provincial online webinars and receive informational materials from the Province.
- An information sheet will be prepared for distribution at the Municipal Hall front counter for prospective applicants.

#### Social Media:

- Staff will share information through social media about the Step Code Rebate Program and Open Houses.
- Advertisements will run on Facebook to promote the building newsletter or open house events so that interested individuals can sign up and stay informed.

#### Stakeholder Meetings:

- Open House 1 - An open house in spring (prior to program launch) will inform stakeholders about BC Energy Step Code and the Step Code Implementation Incentive Program. The format could include a panel of experts, including a guest someone from another jurisdiction that has successfully implemented BC Energy Step Code, and North Cowichan staff who can speak to the Step Code Implementation Incentive Program. Informational materials will be provided, as well as poster boards at the open house and sign-up sheets to sign up for the newsletter. There will also be a Q&A opportunity.
- Open House 2 - A second open house will take place as soon as possible after the launch the Step Code Implementation Incentive Program. This event will include poster boards, informational materials to hand out, and a Q&A.
- All Events Features – Educational events will be held at different times and dates in order to accommodate different schedules. The designated facility will be accessible for everyone, including those with a physical disability.
- Building Brew - An informal coffee session will be held with Municipal staff to have a discussion about BC Energy Step Code, North Cowichan's implementation, and the Rebate Program with key stakeholders. This can be done in small groups multiple times, if necessary.

#### *Implementation Schedule (Estimated):*

March: Execution of the engagement strategy begins with an Open House #1 with industry stakeholders and release of other communications elements.

April: Bylaw and Policy drafted and presented for Council's consideration.

May: Adoption of Building Bylaw amendment bylaw and North Cowichan BC Energy Step Code Rebate Program Policy.

June: Program launch and Open House #2.

June, 2020 – 2022 – Periodic industry and community engagement.

January 1, 2021 – Step 2 of the Step Code is mandated by North Cowichan Building Bylaw.

2022 (TBD) – Province mandates Step 3 of Step Code with enactment of the 2022 *BC Building Code*.

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Recommendation

**That the Committee of the Whole recommended to Council:**

- 1. That the implementation strategy for the BC Energy Code outlined in the attached February 19, 2020 staff report, be endorsed;**
- 2. That up to \$30,000 a year be allocated from the Climate Action and Energy Plan Reserve Fund for the provision of BC Energy Step Code rebates;**
- 3. That staff be directed to draft an amendment to Building Bylaw No. 3172 to require that all new construction meet Step 2 of the BC Energy Step Code as of January 1, 2021 for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading; and**
- 4. That staff be directed to draft a BC Energy Step Code rebate policy for Council's review and consideration at a future meeting.**

Attachments (2)

Attachment A – December 18, 2019 report to Committee of the Whole

Attachment B – Draft Energy Step Code Rebate Policy

# Report

Date	December 18, 2019	Prospero No: SPP00070
To	Committee of the Whole	File: 3090-20 19.05
From	Lane Killick, Chief Building Inspector	Endorsed:
Subject	BC Energy Step Code	

## Purpose

1. To provide the Committee with an overview of the BC Energy Step Code Program;
2. To evaluate the merits of the Step Code and of adopting a local implementation program; and
3. To outline options for Council to advance a Step Code program in North Cowichan.

## Background

The BC Energy Step Code (the Step Code) is a provincial regulation that local governments in British Columbia may use, if they wish, to incentivize or require a level of energy efficiency in new construction that goes above and beyond the requirements of the base building code. The Province of British Columbia has committed to taking incremental steps to increase energy-efficiency requirements in the BC Building Code to make new buildings net-zero energy ready by 2032. The Step Code is the part of the BC Building Code that works towards achieving that effort. A brochure with additional information about the Step Code is attached to this report as **Attachment 1**.

Council's 2019-2022 Strategic Plan contains an Action to "Evaluate the merits of adopting the BC Energy Step Code". This report is intended to provide an evaluation of the Step Code program and to outline a process for implementing the program in North Cowichan.

## Discussion

### Program Description:

The Step Code is a voluntary provincial standard enacted in 2017, with the intention that all local governments in BC engage by the year 2020. In addition to promoting energy efficient new construction, the program is also intended to improve consistency by creating a Provincial standard for energy efficient buildings that replaces the patchwork of different energy standards previously developed or implemented by the private sector and government agencies.

The Step Code takes a new, performance-based approach to energy efficiency standards rather than the traditional prescriptive approach. This means the Step Code does not specify how to construct a building, but rather identifies an energy-efficiency standard that must be met and lets the designer/builder decide how to meet it. Compliance with the Step Code standards are determined by modeling the building design prior to construction and by testing the building with respect to the standard following construction.

The Step Code has four steps for large, complex buildings (referred to as Part 3 buildings in the BC Building Code), and five steps for houses and small buildings (referred to as Part 9 buildings in the Building Code). Local Governments are able to determine the Step Code standard they wish to apply locally, but the Province has indicated it will phase in progressively higher mandatory Step Code standards between 2022 and 2032.

### Merits of the BC Step Code Program

A key feature of the Step Code is that every level of performance (or 'step') is evaluated using the same tests and metrics. This consistent way of measuring and understanding energy use in all buildings, regardless of their level of performance, helps transition the building industry to a province-wide performance-based building standard. Higher steps in the Step Code represent higher performance targets (i.e., greater energy efficiency), but use the same measurement tools as the lower steps.

The first step in the Step Code—called the 'Enhanced Compliance Step'—means building to the current requirements in the BC Building Code and measuring the performance of the building using the modelling and measuring tools of the Step Code. This allows the builder, owner, or designer to satisfy the current expectations of the BC Building Code using the tests and metrics required for all higher performance steps. It involves analyzing building performance using a computer energy modelling program, which is a common approach to all high-performance building, and testing the air leakage rate of the building during construction, which is an indicator of a building's energy efficiency.

Overall, the Step Code program offers:

- A gradual method of implementing higher efficiencies for new buildings.
- Improved long-term affordability of utilities while providing healthier living conditions with improved ventilation.
- Support for the Province's long-term energy reduction objective of having all new homes be net zero energy ready by 2032.
- Business opportunities related to the design and testing of new buildings.
- A consistent, clear program for achieving multiple levels of energy efficient designs and materials.
- Opportunity to work with adjacent local governments with a multi jurisdictional implementation.

### Considerations for Local Governments:

#### *Cost*

The cost of implementing the Step Code for new construction will vary depending on which step is applied, the type of building proposed and the climatic zone where the proposed building is located. Studies commissioned by the Province on the feasibility and affordability of the Step Code (Metrics Research Report, 2017 and 2018) estimate that the program would add between one and three percent to total construction costs. Costs associated with the Step Code include approximately \$1,000 for an energy adviser and air leakage test and construction costs related to design, materials, labour and equipment required to achieve the level of efficiency sought. Literature on the financial implications of Step Code implementation indicate that most local governments in the Province can target Step 3 for both Part 3 and Part 9 buildings as an aggressive but affordable base code.



### *Capacity-Building, Communications and Engagement*

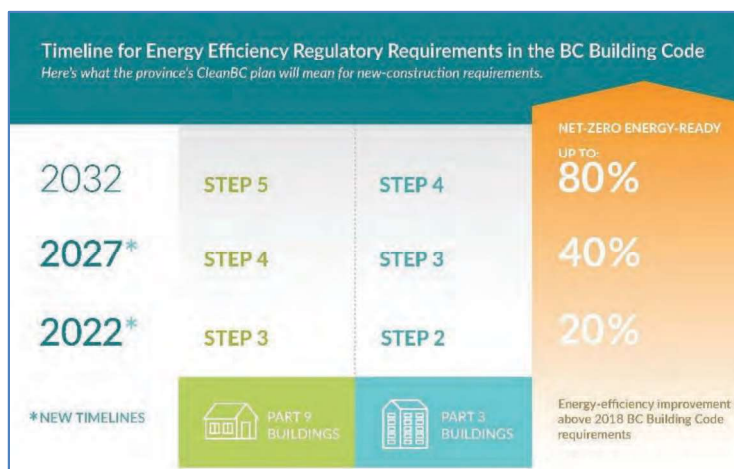
In order to successfully implement the Step Code in North Cowichan, it is necessary to have industry capacity in the form of energy advisors and energy modellers that can work with building permit applicants to achieve compliance with Step Code requirements. There likely is not sufficient local industry capacity to implement a mandatory Step Code requirement at this time. A phased-in approach is expected to enhance industry capacity by attracting more people and business to the industry of energy advising and modelling. If the Municipality and other local governments in the region provide clear and gradual implementation of the Step Code, it is expected that a right-sized pool of local energy advisors and modellers will be established in the mid-to-long term.

Education and outreach will also be required with the local building industry to familiarize it with the Step Code and the requirements and implications that implementation of the Step Code will have for new construction. An information and engagement strategy should be included in any Step Code implementation program.

Some capacity building and resourcing for North Cowichan's Planning and Building Department will also be necessary for it to participate in community and industry engagement processes and to develop and implement new processes and procedures associated with a performance based building code standard. Coordinating and harmonizing North Cowichan's implementation of the Step Code with implementation initiatives of other local governments in the Cowichan Valley will also require resourcing and prioritization.

### Implementation of the Step Code:

Step Code is currently a voluntary program. However the BC Safety Standards Branch has announced that it intends to enact regulations to make Step 3 a requirement in the BC Building Code in 2022. The period prior to this is an opportunity for local governments to create incentive programs and to phase-in regulations to encourage an early and gradual implementation process and to educate and prepare industry professionals and government staff for the pending change. An Implementation Guide (**Attachment 2**) provides direction for local governments to implement the Step Code and it is recommended that this document be used to guide North Cowichan's Step Code implementation.





The Implementation guide recommends that local governments not regulate steps higher than Step 3 until at least 2020. Introducing the Step Code gradually provides builders, property owners, land developers and municipal staff the opportunity to develop the knowledge, skills and procedures related to the design, construction and inspection of Step Code compliant buildings in an orderly and predictable manner.

The Implementation Guide also recommends that local governments develop incentives to help offset a portion of the cost. The Step Code comparison chart in **Attachment 3** shows how a number of local governments in BC have chosen to implement Step Code early.

#### Options Analysis and Resource Requirements:

In reflecting on the merits of the Step Code program outlined above and in the attachments, Council might consider the following approaches to implementation of a Step Code Program:

1. Phase In with Incentives Approach – Establish a voluntary, incentivized program with industry consultation and engagement until the Step 3 is required by Provincial regulation.

An incentive should not directly subsidize construction costs, but could subsidize a portion of the engagement of an energy advisor upon occupancy of a building that met Step 3. This process would require funding, and internal and external funding sources would need to be explored. This option would be the most gradual approach and provide staff and the industry the ability to work together to adjust to a new regulatory environment. Once the Province enacts Step Code compliance requirements, the program could be evaluated and adjusted or renewed.

2. Regulation Approach – Establish regulation to require Step Code compliance in advance of Provincial regulation.

North Cowichan could mandate compliance with the Step Code (e.g. Step 3) through an amendment to Building Bylaw No. 3172. In this case, no incentive would be in place to ensure gradual transition to the Step Code. Compliance and enforcement requirements would be immediate. This would be the most direct implementation approach, but would be disruptive and costly to the building industry. It would also be difficult for Planning and Building Department staff to administer in the short term.

3. Do Nothing Approach – Do not adopt Step Code regulation or incentives at this time and wait for the Step Code to be mandated by the Province in 2020.

Outside of voluntary efforts in the industry, this would be an abrupt and obtrusive approach.

4. Phased Implementation Strategy with Incentives and Regulation Approach – Establish Step 2 requirements by regulation in 2021 with a phased, incentivized implementation for Steps 3 and above.

This option involves a bylaw amendment to require Step 2 alongside a two-year incentive program for Step 3, 4 or 5. It is anticipated that an amendment to the Building Bylaw to require Step 2 would be undertaken in 2020 but not come into effect until 2021. By adopting Step Code regulation in advance of Provincial implementation, the local industry would have the certainty needed initiate the transition. The incentive program creates space for applicants and staff to engage and work through the incentive program and to encourage construction to higher level steps.

This would be the most effective approach in transitioning the local building industry to Step Code's performance based building standard and improving the energy efficiency of new construction in the Municipality. It would also have the greatest administrative burden for implementation and industry outreach.

Staff believe a combination of regulation, incentives and industry engagement would best support the objectives of the Province and Council in improving the energy efficiency of new buildings while helping the local building industry transition to the new Step Code standards the Province will be mandating in a manageable and cost effective manner.

In order to proceed with the implementation of the Step Code in 2020, it will be necessary to include the project in the Building Department's 2020 work plan and in the 2020 budget. While there are some external programs that may assist with funding incentives and implementation, it is expected that a Municipal budget allocation of \$25,000 to \$30,000 will be necessary to fund the program outlined in the recommended option.

## Options

### Alternative Options:

1. That Council direct staff to report back with a draft terms of reference and proposed options for funding for a BC Energy Step Code incentive program, as well as a public education, communications and engagement strategy.
2. That Council direct staff to prepare draft documents to require all new construction meet Step 3 of the BC Energy Step Code, including a bylaw amendment to Building Bylaw No. 3712; a public education, communications and engagement plan; and an implementation strategy for Council's consideration.
3. That Council receive the December 18, 2019 report from the Chief Building Inspector for information and that no action be taken on the implementation of the BC Energy Step Code at this time.

### Staff Recommendation:

4. That Council direct staff to prepare a phased implementation strategy for the BC Energy Step Code that combines, regulation, incentives and industry engagement.

**Recommendation:**

**That the Committee of the Whole recommend to Council to direct staff to prepare a phased implementation strategy for the BC Energy Step Code that combines regulation, incentives and industry engagement.**

**Attachments:**

1. BC Energy Step Code Brochure.
2. Provincial Policy: Local Government Implementation of the BC Energy Step Code
3. BC Energy Step Code implementation comparison chart

# How the BC Energy Step Code Works

The Province of British Columbia first introduced energy efficiency as a BC Building Code objective in 2008. Ever since, designers and builders have had the option to use either “prescriptive” or “performance” approaches to comply with the code’s efficiency requirements.

To date, the vast majority of builders in British Columbia have pursued the prescriptive approach. Following this approach, buildings must meet specific requirements for insulation, windows, furnaces, water heaters, lighting and other equipment and systems. It focuses on individual elements, rather than ensuring the building functions well as a system. The result can be a building that does not perform as well as intended.

Builders have a second option to comply with the energy-efficiency requirements of the BC Building Code: the performance approach. The BC Energy Step Code offers a specific form of this approach.

The performance approach establishes a desired outcome, and leaves it to the design and building team to decide how to achieve it.

To comply with the BC Energy Step Code, builders must use energy software modelling and on-site testing to demonstrate that both their design and the constructed building meet the requirements of the standard. They may use any materials or construction methods to do so.

This approach echoes that taken by many green-building certification programs, including Natural Resources Canada’s Energy Star for New Homes™ and R-2000™ programs, and Passive House Institute (in Darmstadt) certification, as well as the Canadian Home Building Association’s Net Zero Home™ and Net Zero Ready Home™ programs.

## A High-Performance Staircase

As shown below, the regulation sets performance targets for new construction and groups them into “steps” that apply across various building types and regions of the province. The Lower Steps are relatively straightforward to meet; the Upper Steps are more ambitious.

All authorities having jurisdiction over the BC Building Code—including local governments—can choose to require or incentivize builders to meet one or more steps of the BC Energy Step Code as an alternative to the code’s prescriptive requirements.

For governments, the BC Energy Step Code offers assurance that new buildings are performing as billed. Meanwhile, on the other side of the counter, builders have a more flexible option to comply with the energy-efficiency provisions of the provincial

legislation. The new standard empowers builders to pursue innovative, creative, cost-effective solutions—and allows them to incorporate leading-edge technologies as they come available.

Local governments can choose to require or incentivize a given step of the BC Energy Step Code in new construction. In addition, beyond the regulatory context, builders and developers can adopt a given step to use across all of their projects, if they wish.

The diagrams below show what the performance improvements look like for simple buildings (those covered under Part 9 of the BC Building Code) and more complex buildings (covered by Part 3 of the code). The first diagram outlines five steps from the current BC Building Code requirements to net-zero energy ready requirements for Part 9 residential buildings. As shown in the second diagram, the same progression for Part 3, wood-frame residential buildings is four steps.

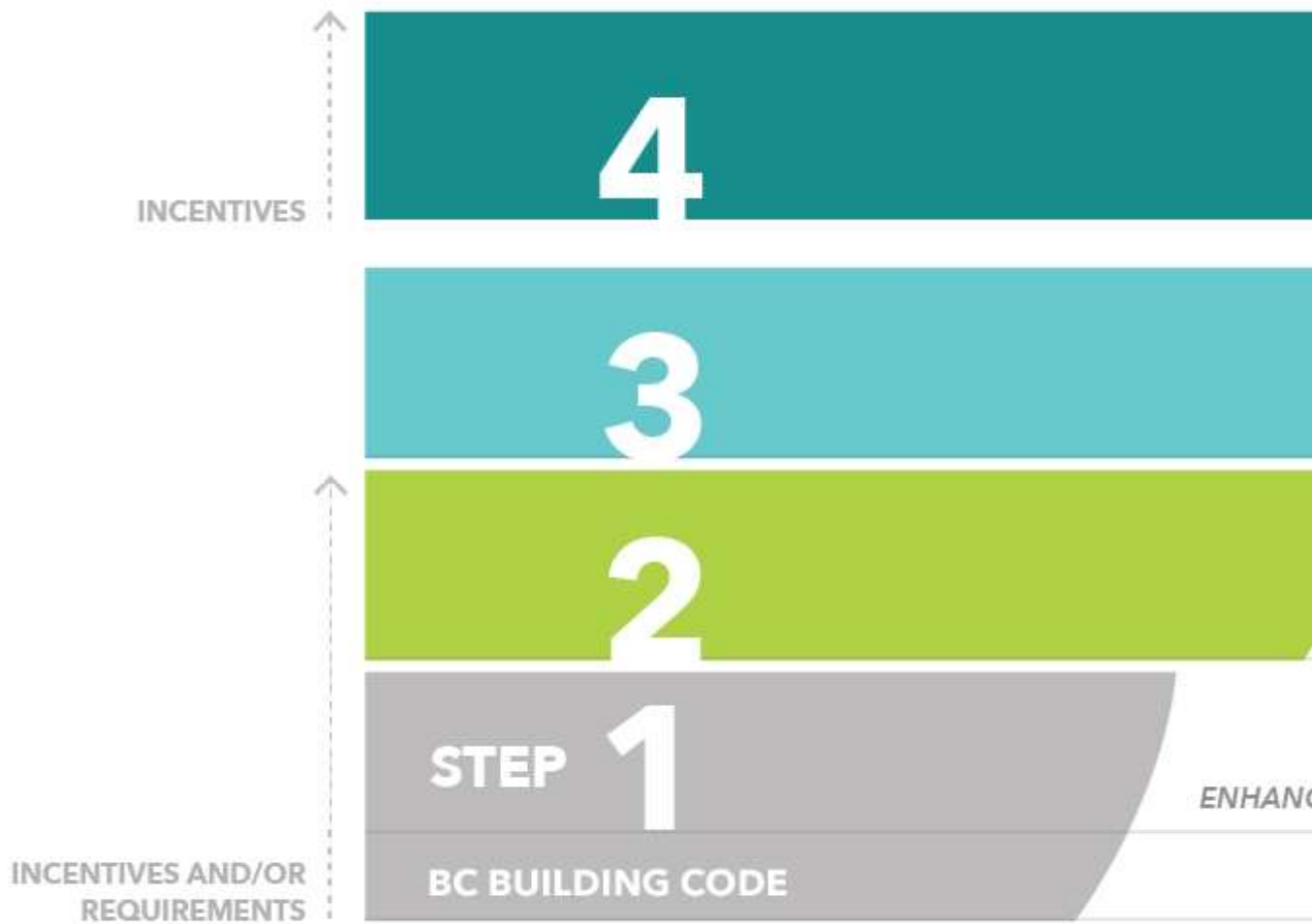
## PATHWAY TO 2032: **PART 9 (HOMES)**

**2017**



## PATHWAY TO 2032: **PART 3 (WOOD-FRAME RESIDENTIAL)**

**2017**



Over time, as high-performance designs, materials, and systems become increasingly available and cost-effective, the building industry will integrate new techniques into all new buildings. By 2032, the BC Building Code will move toward the higher steps of the BC Energy Step Code as a minimum requirement. The National Building Code of Canada is similarly moving towards this outcome by 2030.

Page Last Updated: December 31, 2018.





Office of Housing and  
Construction Standards



# Provincial Policy: Local Government Implementation of the BC Energy Step Code

Section C2 of the *Building Act* Guide

April 2017



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## 1. About this Guide

In spring 2015, the Province passed the *Building Act*, the first Act dedicated solely to building and construction.

This guide is part of a series of informational materials prepared by the Province that forms the *Building Act* Guide. It explains the policy intent of the BC Energy Step Code and its use and application by local governments and other local authorities under the *Building Act*. If the *Building Act* information you are seeking is not in this guide, [check online](#) for more information, including other guides in this series. This guide may be revised in future. Please ensure you are reading the most current version which will always be available [online](#).

This guide is not a stand-alone document but is meant to complement additional educational materials about the BC Energy Step Code developed by the Building and Safety Standards Branch and the Energy Step Code Council, as explained later in this guide.

The information provided here is for guidance only and is not a substitute for provincial legislation. It is not legal advice and should not be relied upon for that purpose.

### A Note about the *Building Act* Guide

The *Building Act* Guide provides information about the Act for local authorities, building officials, and those working in the building construction sector. Sections of the guide are released as the Act and the supporting regulations come into force. The following sections are available [online](#):

#### Part A – Introduction

- A1 - Understanding B.C.'s Building Regulatory System
- A2 - A Guide to the *Building Act*: Modernizing B.C.'s Building Regulatory System
- A3 - *Building Act* Brochure
- A4 - *Building Act* Introductory PowerPoint Presentation

#### Part B – Information for Specific Stakeholders

- B1 - What Local Governments Need to Know about the *Building Act*
- B1 Appendix - Changes for Local Governments Under Section 5 of the *Building Act*
- B2 Short - What Building and Plumbing Officials Need to Know about the *Building Act*
- B2 Full - What Building and Plumbing Officials Need to Know about the *Building Act*

#### Part C – New Procedures (How to...)

- C1 - A Guide to Requesting a Local Authority Variation
- C2 - Provincial Policy: Local Government Implementation of the BC Energy Step Code (this section)



## 2. Introduction: What is the BC Energy Step Code?

The BC Energy Step Code is a voluntary roadmap that establishes progressive performance targets (i.e., steps) that support market transformation from the current energy-efficiency requirements in the BC Building Code to net zero energy ready buildings. It establishes a set of incremental performance steps for new buildings that aims to communicate the future intent of the Building Code and improve consistency in building requirements across British Columbia (B.C.) to transition to net zero energy ready buildings by 2032. It is a voluntary tool local governments across B.C. can use to encourage—or require—the construction of more energy-efficient buildings in their communities, and do so in a consistent, predictable way.

The BC Energy Step Code takes a new, performance-based approach rather than the traditional prescriptive approach. This means the BC Energy Step Code does not specify *how* to construct a building, but identifies an energy-efficiency target that must be met and lets the designer/builder decide how to meet it. The BC Energy Step Code has four steps for large, complex buildings (referred to as Part 3 buildings in the BC Building Code), and five steps for houses and small buildings (referred to as Part 9 buildings in the Building Code).

A key feature of the BC Energy Step Code is that every level of performance (or ‘step’) is evaluated using the same tests and metrics. This is intended to create a consistent way of measuring and understanding energy use in all buildings, regardless of their level of performance, and prepare industry for a province-wide performance-based building approach. Higher steps in the BC Energy Step Code represent higher performance targets (i.e., greater energy efficiency), but use the same measurement tools as the lower steps.

The first step in the BC Energy Step Code—called the ‘Enhanced Compliance Step’—means building to the current requirements in the BC Building Code and measuring the performance of the building using the modelling and measuring tools of the BC Energy Step Code. This allows the builder, owner, or designer to satisfy the current expectations of the BC Building Code using the tests and metrics required for all higher performance steps. It involves analyzing building performance using a computer energy modelling program, which is a common approach to all high-performance building, and testing the air leakage rate of the building during construction, which is an indicator of a building’s energy efficiency.

**What is a net zero energy ready building?**

For the purposes of this guide, a net zero energy ready building can be defined as a building built to high energy-efficiency standards such that it could (with additional measures) generate enough onsite energy to meet its own energy needs.

BC Energy Step Code: Lower and Higher Steps		
Building Type	Lower Steps	Higher Steps
Part 3 Residential	Steps 1 and 2	Steps 3 and 4
Part 9 Residential	Steps 1, 2 and 3	Steps 4 and 5

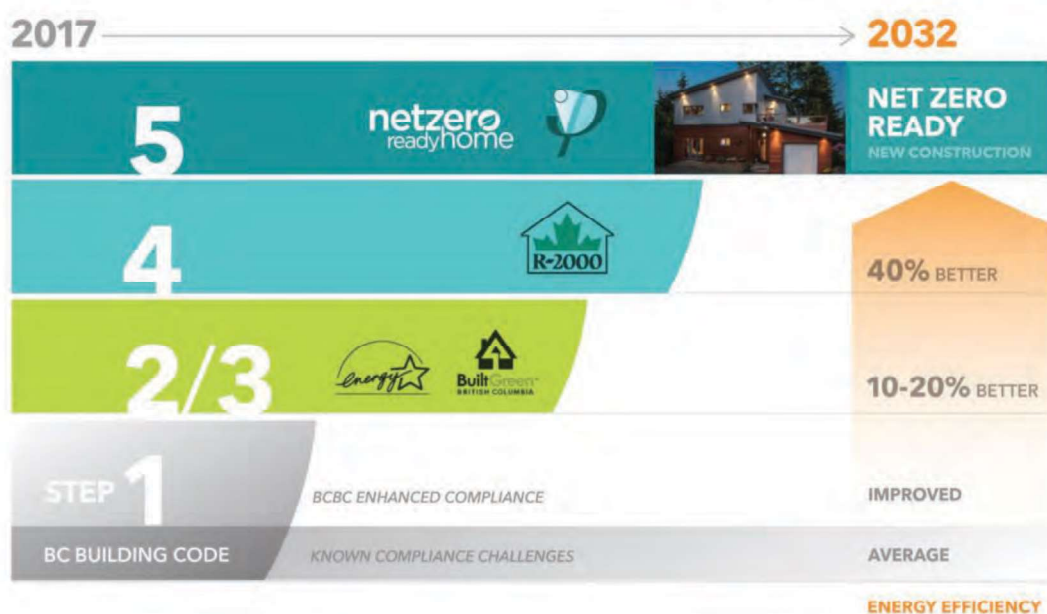




In addition to energy modelling and airtightness testing, all steps of the BC Energy Step Code use metrics to model the designed performance of the building envelope (insulation, air leakage, doors and windows, etc.), and the efficiency of the systems and equipment inside the building (heating, ventilation, etc.). To satisfy each step of the BC Energy Step Code, a builder needs to demonstrate that they have satisfied both the envelope target and the equipment and systems target—a different approach than has been used in the past.

The BC Energy Step Code is voluntary and is intended to apply to the construction of new buildings. Local governments and other local authorities may choose to require the steps in the BC Energy Step Code in their jurisdictions, but they are not obligated to do so; when they do, it is expected they will follow the policy guidance provided in this guide. Similarly, developers, builders, or owners may choose to build more energy-efficient buildings according to the requirements in the BC Energy Step Code, and may do so even if the jurisdiction in which they are building does not require it; however, they are not obligated to unless the jurisdiction in which they are building requires it.

### The BC Energy Step Code: Steps for Part 9 Buildings



## 2.1 Principles of the BC Energy Step Code

The BC Energy Step Code represents a substantial consensus among a broad range of stakeholders who participated in a series of working groups and committees over the past two years. The following key principles guided this work:

- **Provincial Priorities:** Consider provincial priorities, including the 2016 Climate Leadership Plan and housing affordability, when developing the BC Energy Step Code.
- **Consistency:** Increase the consistency of technical building requirements and practices across the province.



- **Local Options:** Provide local governments with options to meet adopted targets, policies, and actions to reduce greenhouse gas emissions, as required under the *Local Government Act*, and meet voluntary commitments under the *Climate Action Charter*.
- **Industry Flexibility:** Provide industry with flexibility to adjust to new technologies and clear guidance on the long-term intent of the BC Building Code.
- **Market Transformation:** Transition the market towards increased accountability and measurable improvements in energy efficiency.

## 2.2 Multi-Partner Collaboration and the Energy Step Code Council

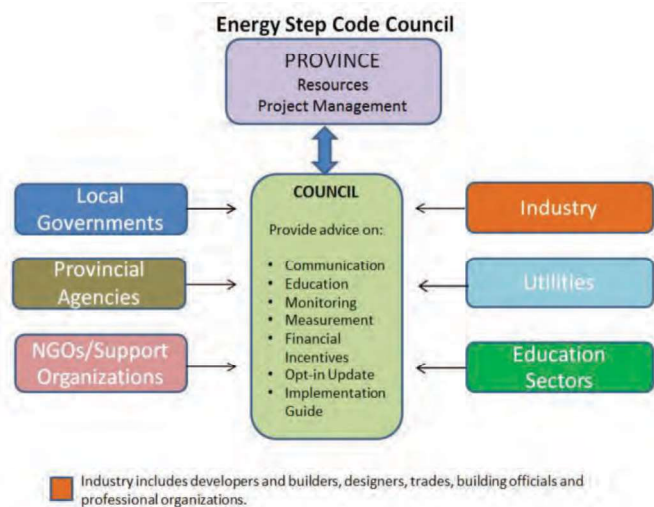
The Province, local governments, industry, and utilities are embarking on the BC Energy Step Code together. Success will require continued commitment from all involved during a transition period that will take place over at least the next three years (2017-2020). An Energy Step Code Council has been established to support local governments and industry towards smooth uptake of the BC Energy Step Code and help guide market transformation towards higher-performance buildings within B.C. The Energy Step Code Council will meet quarterly during the transition period with the following mandate:

- Support the creation and dissemination of training and capacity building opportunities for local governments, industry, and other stakeholders;
- Develop clear communications for various audiences on what the BC Energy Step Code is and how to implement it across the province;
- Provide advice and clarification on technical aspects of the BC Energy Step Code;
- Profile incentives and financing mechanisms; and
- Seek resolution of implementation issues as they arise.

A representative of the Building and Safety Standards Branch will chair the Energy Step Code Council and act as a liaison between the Council and the Province. The Energy Step Code Council comprises many stakeholders (see diagram).

In addition to leadership from the Energy Step Code Council, successful implementation will require:

- Leadership from the Province to support ongoing collaboration between stakeholders, resolve issues as they arise, conduct analysis to determine if the BC Energy Step Code is achieving intended results, continue analysis of technical issues related to high-performance buildings, and lead by example in public-sector buildings. Additionally, the Province will work to align the BC Energy Step Code with other provincial priorities.





- Local governments to represent the needs of their communities and engage within their region (as outlined in the BC Energy Step Code best practice implementation guide) to ensure uptake is as smooth as possible on both a local and regional basis. The best practice implementation guide is being developed to provide local governments with clarity on what stakeholders agree successful implementation will require, and is expected to be published in summer 2017.
- Industry to provide education on how to design, build and measure energy-efficient buildings, to prepare members for the BC Energy Step Code. Industry will be expected to provide feedback to the Province and local governments on impacts of the BC Energy Step Code implementation on building design and construction, and work with partners to align the pace of implementation with the growth of industry capacity.
- Utilities to support with training resources, capacity building and incentive programs that facilitate uptake of the BC Energy Step Code across the province. As implementation progresses, utilities can help evaluate the success of the program over time.



### 3. BC Energy Step Code Policy

#### Preamble

This BC Energy Step Code policy has been developed to support local governments and industry during a transition period from 2017 to at least 2020. The transition period may be extended depending on how the implementation of the BC Energy Step Code proceeds.

Until December 2017, the focus of the transition will be on helping shift local governments with existing energy-efficiency programs (for buildings) to appropriate targets in the BC Energy Step Code. From 2018 - 2020, the transition period will continue to support local governments using the BC Energy Step Code, and help other local governments that would like to explore doing so. Once local governments and industry are comfortable with the implementation of the BC Energy Step Code, the transition period will be formally closed, and the BC Building Code will be updated to require staged increases in energy performance, as per the BC Energy Step Code.

#### 3.1 Monitoring Implementation of the BC Energy Step Code

- 3.1.1 The Energy Step Code Council, with the participation of the Province, will monitor implementation of the BC Energy Step Code. Tracking key data will inform the continued implementation of the BC Energy Step Code.

#### 3.2 Legal Authority to Reference the BC Energy Step Code

- 3.2.1 The *Building Act* governs building and construction across B.C. except in the City of Vancouver, and on federal lands and reserves. Under the Act, the Province has sole authority to set technical building requirements (using the BC Building Code or other regulation).
- 3.2.2 The BC Energy Step Code is a provincial building regulation that is a voluntary compliance path within sections 9.36.6 and 10.2.3 of Division B of the BC Building Code.
- 3.2.3 By December 15, 2017, section 5 of the *Building Act* will render local government bylaws that establish technical building requirements of no legal force unless the bylaws concern what the Act calls ‘unrestricted matters.’
- 3.2.4 Two new matters (with two conditions) have been added to the unrestricted matters list in the Building Act General Regulation to enable local governments to require that new buildings constructed in their jurisdictions be constructed to one of the steps in the BC Energy Step Code. The two matters are:
- The conservation of energy, and
  - The reduction of greenhouse gas emissions.





These two matters are **unrestricted with two conditions:**

- Local governments may not require buildings to be constructed except in conformance with a step described in Article 9.36.6.3. or 10.2.3.3. of Division B of the BC Building Code; and
- Local governments may not modify a requirement of, or impose requirements in addition to those set out in, Subsection 9.36.6. or 10.2.3. of Division B of the BC Building Code.

3.2.5 The BC Energy Step Code is available for local governments to reference in bylaws, policies, and programs using the authorities in the *Local Government Act*, *Community Charter*, *Building Act*, or other sources of local government authority.

### 3.3 How to Implement the BC Energy Step Code

- 3.3.1 Local governments are advised to review the best practice implementation guide (when it becomes available) to understand recommended steps to successfully adopt and implement the BC Energy Step Code.
- 3.3.2 Local governments are advised to contact the Energy Step Code Council when beginning to consider adopting the BC Energy Step Code, to ensure access to the latest information, tools and support.
- 3.3.3 Local governments are advised to review readiness in their communities and region to reference and implement the BC Energy Step Code, prior to taking any action. This includes:
- Understanding industry readiness to meet the requirements of the BC Energy Step Code in the local government's region. The Energy Step Code Council is undertaking a review of industry capacity in different regions, and will make this material available on the BC Energy Step Code website. Local governments are advised to consider this analysis, alongside local analysis of capacity; costs; benefits; technical implications; and opportunities to provide training, information and education for industry on how to implement the BC Energy Step Code.
  - Reviewing organizational readiness to implement the BC Energy Step Code. This includes training needs for city councils, design panels, planners, and building officials, as well as reviewing inspection procedures, policy documents, community development processes, handouts, bulletins, and websites for necessary changes.
- 3.3.4 A local government should notify the Energy Step Code Council of its intent to consult with the development and building industry servicing its region, and other associated organizations, including neighboring municipalities. A timeline for notification is provided in section 3.4 of this guide.
- 3.3.5 A local government should notify the Energy Step Code Council when bylaws or policies that reference the BC Energy Step Code are ratified, and of the date of enactment.



3.3.6 Steps in the BC Energy Step Code are divided into higher and lower steps.

3.3.6.1 For Part 3 Buildings, higher steps are defined as steps 3 and 4 (step 4 being the highest).

3.3.6.2 For Part 9 Buildings, higher steps are defined as steps 4 and 5 (step 5 being the highest).

3.3.6.3 During the transition period (from now until at least 2020), local governments should not apply community-wide requirements to meet the higher steps of the BC Energy Step Code.

3.3.6.4 During the transition period, reference to higher steps should only be made in circumstances where there is significant value being added to the property where higher steps will apply. The value added should be equal or greater than the cost to build to the higher step.

3.3.6.5 Local governments are advised to exercise caution when calculating the anticipated increased cost of building to the performance targets in the BC Energy Step Code. Over time, the cost of building to the BC Energy Step Code is expected to decrease as familiarity with it increases.

3.3.6.6 The use of higher steps in the BC Energy Step Code will require financial or other incentives. Depending on local circumstances, value could be added through a significant increase in buildable floor area, revitalization tax exemptions, or other inducements.

3.3.7 Supporting the energy-efficiency requirements in the BC Energy Step Code does not mean the other BC Building Code objectives are less important. The BC Building Code sets technical building requirements to meet five objectives; energy efficiency is just one of the five. Buildings that meet the higher energy targets in the BC Energy Step Code must still meet all other requirements supporting the four other Building Code objectives.





### 3.4 Minimum Timelines for Requiring the BC Energy Step Code

- 3.4.1 This policy sets a framework for local governments to support progressively higher energy performance buildings in concert with increasing local industry capacity. Minimum timelines are intended to:
- Reduce the risk of a community requiring a performance level that local industry or internal staff cannot meet;
  - Provide an adequate consultation window for industry to provide input on policy and bylaw changes that may have an impact on their work;
  - Give the Energy Step Code Council information to track projected and actual BC Energy Step Code uptake provincially;
  - Create an opportunity to mitigate unintended consequences as they arise;
  - Provide an adequate time for industry and local governments to prepare after adoption; and
  - Encourage incremental adoption of steps rather than big leaps.
- 3.4.2 All Programs: During the transition period (i.e., until at least 2020), local governments should not apply community-wide requirements to meet higher steps of the BC Energy Step Code.
- 3.4.3 New Programs, Lower Steps (Part 3 & Part 9 buildings): Local governments intending to require lower steps should notify industry and the Energy Step Code Council of their intent to reference the BC Energy Step Code at least six months prior to enforcement.
- 3.4.4 New Programs, Higher Steps (Part 3 & 9 buildings): Local governments intending to require higher steps (in a specific location or situation) should notify industry and the Energy Step Code Council of their intent to reference the BC Energy Step Code at least 12 months prior to enforcement.
- 3.4.5 Existing Programs, All Steps (Part 3 & 9 buildings): After December 15, 2017, existing programs may be deemed equivalent to the BC Energy Step Code per an equivalency table that will be available from the Energy Step Code Council. These programs may reference an equivalent step of the BC Energy Step Code without a delay for enforcement.
- 3.4.6 When existing programs in a community are applied in a new location within that community (e.g., a neighbourhood plan) or situation (e.g., rezoning), the minimum timeline between notifying industry and enforcement of the BC Energy Step Code is three months.

### 3.5 Grace Period for In-stream Projects

- 3.5.1 When a local government implements the BC Energy Step Code, applicants who have applied for a development application (rezoning, development permit, development variance permit, or building permit), with detailed design drawings, should be permitted to build to the energy standards in place at the time of application, as long as they have moved to full building permit application within one year. In-stream protection of one year from the proposed enactment of the BC Energy Step Code regulation is considered appropriate. An exemption to this is where there has been a lengthy consultation process



with the public and industry to increase the energy requirements of a development, prior to adoption of a bylaw referencing the BC Energy Step Code.

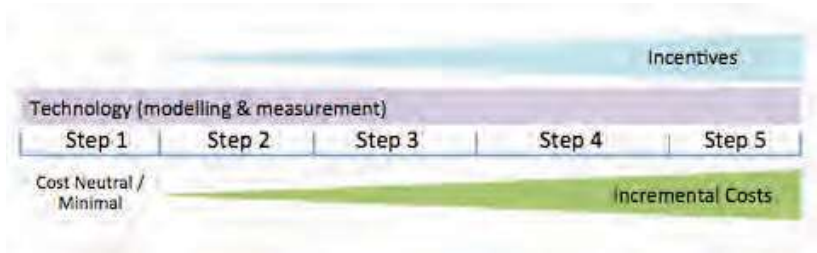
- 3.5.2 In situations where there is no development process in place (e.g., Part 9 buildings), there should also be a three-month grace period between enactment and enforcement.

### 3.6 Equivalency Table for the BC Energy Step Code

- 3.6.1 The Building and Safety Standards Branch will provide information, through the Energy Step Code Council, for local governments seeking to replace current technical building requirements for energy efficiency in bylaws with equivalent steps in the BC Energy Step Code.

### 3.7 Financial Tools and Incentives

- 3.7.1 In some cases, financial tools and incentives will be required to expedite and support BC Energy Step Code implementation. Step 1 is expected to be cost minimal or cost neutral, as these costs are needed to bring buildings up to the energy performance standard expected in the BC Building Code. For steps beyond step 1, local governments are advised to conduct cost analysis to ensure benefits offered through incentives and financial tools match additional costs, and do not add hardship to industry. The figure below illustrates when financial support may be necessary to achieve higher steps of the BC Energy Step Code. A list of incentives and financial tools for consideration will be available in the best practice implementation guide.



### 3.8 Policy Alignment

- 3.8.1 **Policy alignment with district energy:** Where a district energy system is planned or in operation, or an innovative renewable energy source is being incorporated, local governments are advised to consider lowering the required step of the BC Energy Step Code.
- 3.8.2 **Where to seek support for resolving issues:** The Province commits to continuing to be involved directly in the implementation of the BC Energy Step Code through active participation in and resourcing of the Energy Step Code Council. This engagement will ensure direct communication between the development industry, local governments, and the Province.





## 4. Other Implementation Information

The Province and the Energy Step Code Council realize that successful implementation of the BC Energy Step Code will be a collaborative effort. This guide outlines provincial BC Energy Step Code policy only; it does not contain all of the information needed to understand and implement the BC Energy Step Code.

Additional educational and implementation materials will be developed and distributed by the Energy Step Code Council and the Building and Safety Standards Branch, including:

- A local government implementation best practice guide.
- Communication and training materials for:
  - Local government councils;
  - Local government staff;
  - Design professionals (e.g., architects, engineers);
  - Professional associations;
  - Developers, builders and those in the trades;
  - Suppliers; and
  - Others as needed.
- Costing studies on the costs of building to the enhanced energy-efficiency steps in the BC Energy Step Code.
- Funding programs offered by the utilities and governments.

Please visit the provincial website ([www.gov.bc.ca/buildingcodes](http://www.gov.bc.ca/buildingcodes)) for regular updates.



# 5. For More Information

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Find out more about the *Building Act*:

- Website: Regular updates, including other guides in this series, will be posted online as they become available - see [www.gov.bc.ca/buildingact](http://www.gov.bc.ca/buildingact).
- Email: [Building.Safety@gov.bc.ca](mailto:Building.Safety@gov.bc.ca)
- Mail: Building and Safety Standards Branch  
Office of Housing and Construction Standards  
PO Box 9844 Stn Prov Govt  
Victoria, British Columbia  
CANADA - V8W 9T2



## 6. Glossary of Terms

**BC Energy Step Code:** A voluntary compliance path within the BC Building Code that local governments across B.C. can use to encourage or require the construction of more energy-efficient buildings in their jurisdictions. Building owners may also voluntarily choose to build to the BC Energy Step Code.

- Steps 3 and 4 are the higher steps for Part 3 buildings (step 4 being the highest).
- Steps 4 and 5 are the higher steps for Part 9 buildings (step 5 being the highest).

**Energy Step Code Council:** A multi-stakeholder committee, chaired by the Province, established to support local governments and industry towards smooth implementation of the BC Energy Step Code, and guide market transformation towards higher-performance buildings within B.C.

**Net Zero Energy Ready Buildings:** A building built to high energy-efficiency standards such that it could (with additional measures) generate enough onsite energy to meet its own energy needs.

**Part 3 Buildings:** Buildings regulated under Part 3 of the BC Building Code. Part 3 buildings include large, complex buildings.

**Part 9 Buildings:** Buildings regulated under Part 9 of the BC Building Code. Part 9 buildings include houses and small buildings.



FOR MORE INFORMATION PLEASE VISIT:  
[WWW.GOV.BC.CA/BUILDINGACT](http://WWW.GOV.BC.CA/BUILDINGACT)



## BC Energy Step Code comparison chart

Step Code	Voluntary	Mandatory	Incentives	Residential	Commercial	Incentive Non-monetary	Phased	Other Energy Incentives
Penticton	Starts	2021	Up to \$1500	yes	no	no	yes	yes
Campbell River	yes	no	Up to 100% of BP fee	yes	no	Yes	no	yes
Saanich	Starts	2020	Flat \$500	yes		no	no	yes
Kamloops	yes	no	Up to \$3000	yes	yes	no	no	yes
Squamish	no	yes	none	yes	yes	none	yes	no
Whistler	no	yes	none	yes	yes	none	no	yes
Kimberly	yes	no	yes	yes	yes			yes
Kelowna	yes	yes	yes	yes	no	no	yes	yes
Whistler	no	yes	no	yes	yes	no	yes	yes

## COUNCIL POLICY

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### NORTH COWICHAN ENERGY STEP CODE REBATE POLICY

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#### 1. PURPOSE

To encourage voluntary participation in the BC Energy Step Code in advance of mandatory requirements.

#### 2. SCOPE

This policy applies to individuals applying for rebates for the North Cowichan BC Energy Step Code Rebate Program.

#### 3. DEFINITIONS

"BC ENERGY STEP CODE" means the system of energy performance requirements set out in Subsections 9.36 of the BC Building Code.

"BUILDING CODE" means the current version of British Columbia Building Code

#### 4. POLICY

4.1 All complete building permit applications accepted by North Cowichan building department after July 1<sup>st</sup> 2020 are eligible for the corresponding rebate as shown in table 4.8 in accordance with this policy.

#### RELATED POLICIES & PROCEDURES

4.2 Rebates described in sentence 4.1 are based on achieving compliance with one of the steps 2-5 described in Part 9.36.6 **Energy Step Code** of the 2018 BC Building Code

4.3 Rebate applications must be submitted prior to the issuance of the building permit.

4.4 The following documents are to be provided to confirm compliance with section 4.2

- North Cowichan Energy Step Code rebate application form
- Energy modeling report as described in Part 9.36.6.4 BC Building Code
- BC Energy pre construction report
- Mid construction report
- As-Built Compliance Report

4.5 Rebates will be processed upon the issuance of occupancy by a building inspector along with the submission of all compliance documents as stated in section 4.4.

4.6 Rebates are not redeemable for expired building permits, (2 years from building permit issuance date).

4.7 Rebates applications will be accepted for all steps in table 4.8, unless those steps are mandatory in accordance with the Building Code or North Cowichan’s Building Bylaw.

4.8

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Step 2	\$500	10% higher efficiency
Step 3	\$750	20% higher efficiency
Step 4	\$1000	40% higher efficiency
Step 5	\$1250	80% and Net 0 Ready

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**APPROVAL HISTORY**

WRITTEN BY: Lane Killick	APPROVED BY:	DATE: <a href="#">Click here to enter a date.</a>
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May 7, 2020

VIA EMAIL

Your Worship and Council:

On behalf of the British Columbia's 14,500 hospitality businesses—including restaurants, bars, craft breweries, and winery tasting rooms—we are writing to request your urgent support to aid the survival of local hospitality businesses and thousands of livelihoods during this pandemic crisis. Specifically, we are requesting your assistance for flexible, innovative, and expedited patio permitting.

**British Columbia's hospitality industry is facing collapse.** While the global COVID-19 pandemic has reverberated throughout our economy, our industry's local small hospitality businesses were hit first, hit hardest, and will be among the last to recover. The majority of BC's restaurants, bars, and tasting lounges have closed, laid off staff, and are facing bankruptcy and financial collapse. Even those businesses remaining opening during this pandemic to offer limited takeout and delivery services and are experiencing dramatically reduced revenues and are struggling to survive.

The collective economic disruption in our sector has been staggering:

- Job losses within the restaurant sector alone are estimated at 121,500.
- At least 1 in 10 restaurants have already closed forever with associated permanent job losses.
- Over 50 per cent of smaller independent restaurants say they will be bankrupt within three months from the start of this crisis (i.e. by June of this year).
- 80 per cent of BC's hospitality businesses have been forced to temporarily lay off the vast majority of BC's 192,000 foodservice employees.
- 80 per cent of Liquor Primaries (i.e. pubs, bars, nightclubs) are closed.
- Liquor Primaries who remain open for take-out/deliver services have experienced 90-95 per cent decline in revenues.
- Over 70 per cent of BC's hotels are closed.
- BC's tourism sector has laid off 70 per cent of all employees totaling over 130,000 workers.
- All 197 craft brewery tasting rooms in BC are closed, reducing average brewery revenues by over 80 per cent.

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- All 366 licensed BC winery tasting rooms in BC are closed, reducing average revenues by over 50 per cent.
- 83 new breweries opened in BC since 2017, including 28 in the last 12 months. These new or recently opened businesses face the biggest threat of permanent closure for our industry.
- Over 250,000 hospitality and tourism workers have already been laid off in BC since the start of this COVID crisis.

While we are working with our provincial and federal governments partners on protocols for a gradual and phased reopening of our sector, BC's local communities have a key role to play in supporting economic recovery. We ask you to support our industry with fast, flexible, and nimble permitting and business services to help our industry get back up and running.

The first opportunity to offer concrete support is with regards to patios, as they offer a hospitality experience within the relative public trust of outdoor space. We ask that your municipality work creatively and collaboratively with operators to help expand current patio areas, add new patios quickly, and permit dining, liquor service and manufacturer's sampling in controllable public spaces.

Specifically, we request your support to:

1. Increase flexibility for patio types and sizes (including consideration for pre-detailed designs and formats), expedited permitting including applications and renewals, as well as the number of patios allowed;
2. Increase the space use of existing patios or picnic areas to allow chairs to be spread out to meet distancing requirements (i.e. many patios have more space than the current floor plans allow them to use);
3. Allow pop-up outdoor dining and manufacture sampling spaces;
4. Allow and increase the use of parklets and public space for dining;
5. Allow any increase in patio, picnic area or outdoor space be considered a continuation of an establishment's existing approved alcohol service area or manufacture's sampling area to provide samples and not require additional endorsements or authorizations.
6. Coordinate with any relevant bodies—such as the Liquor and Cannabis Regulation Branch, Fire Department, etc.—to reduce red tape and speed approval timelines wherever possible.

As a sample, we have attached a recent motion from Vancouver Councillor Sarah Kirby-Yung that is resoundingly supported by BC's hospitality businesses.

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It is our sincere hope that we can work with your council to find significant and meaningful measures to ensure our critical industry survives. We recognize that some of these measures may only be made possible for a limited time to help respond to the COVID-19 crisis. Short term assistance is as important as long term as our industry has never before faced a crisis of this magnitude. The very survival our industry's small businesses and the jobs they create now depend on urgent leadership and bold action from our government partners in communities such as the City of Cranbrook.

Thank you in advance for your support. We would also like to offer our sincere thanks and appreciation to Council and staff for your diligent work to keep British Columbians healthy and safe during this provincial state of emergency and global crisis.

We remain at your disposal to offer advice and perspective on these issues. Please do not hesitate to contact us at any time.

Sincerely,



Ian Tostenson, President & CEO  
**BC Restaurant and Foodservices Association**



Jeff Guignard, Executive Director  
**Alliance of Beverage Licensees**



Ken Beattie, Executive Director  
**BC Craft Brewers Guild**



Miles Prodan, President & CEO  
**BC Wine Institute**

Cc: Hon. Carole James, Minister of Finance  
Hon. Harry Bains, Minister of Labour  
Hon. Adrian Dix, Minister of Health  
Hon. Lisa Beare, Minister of Tourism, Arts and Culture  
Hon. David Eby, Attorney General  
Trevor Hughes, Deputy Minister of Labour

## **COUNCIL MEMBER'S MOTION**

### **Flexible, Innovative & Expedited Patio Permitting**

Submitted by: Councillor Kirby-Yung

#### **WHEREAS**

1. The COVID-19 pandemic has inflicted significant negative economic impacts with many Vancouver businesses including restaurants, tourism businesses, hotels, and personal-care services such as hair stylists, nail salons and dentists, forced to close or severely limit operations due to health and physical distancing restrictions;
2. Restaurants have been one of the most immediate and hardest hit sectors, and small business operators are struggling to survive with many limited to takeout offerings and attempting to make it through the pandemic;
3. Small businesses like restaurants are vital to the fabric and character of Vancouver neighbourhoods and support complete communities;
4. Small businesses like restaurants are key contributors to Vancouver's economic health generating jobs and tax revenue;
5. The City has a key role to play in supporting economic recovery. Speed flexibility and nimbleness in permitting and business support services will be instrumental to helping businesses get back up and running and survive;
6. Patio season is a critical revenue generator for restaurants and upon us now. Expedited patio permitting must be turnkey when restaurants are able to reopen to table type service;
7. An outcome of Covid will likely be the need for some continued physical distancing processes in businesses. Customers will also be cautious about being in close quarters to others.
8. Patios provide the health benefit of fresh air and sunlight.
9. There is opportunity to be innovative and redefine patios such as pop-up standing patios for quick service type offerings, expanded size to enable physical distancing and more open-air dining, as well as utilization of street or laneway space for extensions where it doesn't impede transit, emergency or service vehicles or traffic.
10. Currently, patio permitting can require a combination of licensing, development permits and permits to enable operations.

#### **THEREFORE**

- A. BE IT RESOLVED THAT Council direct staff to prepare options and report back as soon as possible to support more flexible patio types and sizes (including consideration for pre-detailed designs and formats), expedited permitting including applications and renewals, as well as the number of patios allowed, in order to support the economic recovery of Vancouver's restaurant sector;
- B. THAT such options be considered for the duration of the COVID-19 response and recovery, recognizing that innovation will provide for valuable learning towards operations and adaptation in a new, post-Covid world.
- C. THAT this motion be shared with the Council Pandemic Response and Recovery Working Group for the purpose of enabling them to seek or share further information from the restaurant sector as may be beneficial to and aid this work.