

Report

Date February 4, 2026

File:

Subject Business Licence Amendment Bylaw No. 4058, 2026 for introduction

PURPOSE

To introduce Business Licence Amendment Bylaw No. 4058, which proposes to amend Business Licence Bylaw No. 3153, 2002 to allow conditions to be attached to the issuance of a Business Licence.

BACKGROUND

At a January 21, 2026 Public Hearing Council received input on an application by the owner of #2 – 6380 Lakes Road (“Oak and Vine”) for a rezoning to authorize its use as a wedding venue. At the subsequent regular meeting of January 21, 2026, Council passed the following resolution:

“THAT Council directs staff, prior to consideration of adoption of the rezoning, to undertake amendments to Municipality of North Cowichan Business Licence Bylaw No. 3153, 2002 to authorize the Business Licence Inspector to impose additional conditions on business licences, including but not limited to hours of operation, use of amplified music, on-site parking, and the requirement for a Good Neighbour Agreement and compliance therewith”

DISCUSSION

Section 15(1)(d) of the Community Charter provides local governments in BC with the authority to impose conditions on business licence holders. Currently, North Cowichan Business Licence Bylaw No. 3153, 2002 s.7.1 allows for the imposition of terms and conditions related to the following:

- (a) requirements for preparation and submission of surveys, reports and audits;
- (b) the nature and volume of specified materials which may be kept within business premises;
- (c) protection of the environment;
- (d) establishment of funds for cleanup and remediation purposes;
- (e) public safety;
- (f) requirements for the posting of reasonable security to ensure compliance with terms and conditions of the licence.

The proposed revisions to the Business Licence Bylaw will add the following;

- (g) *requirements with consideration to the business’ impact on its neighbours, which may include but are not limited to the following:*
 - (i) *restrictions on the use of the interior of any buildings on the business’ property relative to the occupancy rating of such buildings;*
 - (ii) *permitted hours of operation for the business;*

- (iii) *required soundproofing measures and restrictions regarding the use of amplified music; and*
- (iv) *parking requirements for the business;*
- (h) *requirement that a good neighbour agreement, in a form and with contents satisfactory to North Cowichan, be entered into by the licence holder with North Cowichan in relation to and in compliance with, among other things, the provisions at paragraph (g) above;*
- (i) *any other terms or conditions related to compliance with this Bylaw or other applicable bylaw(s) or enactment(s).*

In addition, the Business Licence Bylaw No. 3153, 2002 will be revised to enhance the licence suspension and cancellation clause of the Bylaw so that failure to abide by the terms and conditions of a business licence will be grounds for a cancellation or suspension of a business licence.

The purpose of these changes is to provide the Business Licence Inspector (North Cowichan Manager of Bylaw and Business Licensing Services) with the ability to impose a range of conditions attendant on the granting of a business licence. These could, for example, include requirements embodied in a Good Neighbour Agreement, such as specific hours of operation, the playing of amplified music, or other considerations. Additionally, the revisions make explicit the power to suspend or cancel a licence for failure to comply with the relevant conditions.

Options

(Recommended Option)

1. THAT Council:
 - (1) gives first, second and third reading to Business Licence Amendment Bylaw No. 4058, 2026; and,
 - (2) directs staff to provide notice of Council's intent to consider Business Licence Amendment Bylaw No. 4058, 2026, by posting notice to the website, notice board and social media by February 9, 2026.
 - This option allows the municipality to impose appropriate and relevant conditions on the granting of a business licence, and to suspend or cancel a business licence for failing to adhere to those conditions.
2. THAT Council:
 - (a) gives first and second reading to Business Licence Amendment Bylaw No. 4058, 2026;
 - (b) directs staff to amend the Business Licence Amendment Bylaw No. 4058, 2026 by:
 - (i) [insert alternate direction]; and
 - (c) gives third reading to Business Licence Amendment Bylaw No. 4058, 2026, as amended.
 - This option allows Council to make relatively simple edits to the amendment bylaw.
3. THAT Council refers the draft Business Licence Amendment Bylaw No. 4058, 2026 to the next Committee of the Whole for further discussion.
 - This option allows Council additional time to discuss any complex edits it wishes to include in the amendment bylaw.

IMPLICATIONS

The proposed revisions to Business Licence Bylaw No. 3153, 2002 will allow the North Cowichan Business Licence Inspector to respond to Council direction with respect to particular terms and conditions attendant on the issuance of a Business Licence. Furthermore, it will facilitate cross-departmental responses to applicants whose business activities have land-use implications and potential impacts on adjacent properties. It will also allow for a suspension or cancellation should that be warranted.

Council must provide an opportunity for persons affected by Business Licence Amendment Bylaw No. 4058 to make representations to Council prior to adoption of the bylaw. Sections 59(2) and (3) of the Community Charter require that notice be given in the form and manner and at the times and as often as Council considers reasonable, and must provide an opportunity for persons who consider they are affected by the Bylaw to make representations to Council when it is before Council for adoption. If the Bylaw receives first three readings, a notice will be posted on the website, the notice board, and social media on or before February 9, 2026.

RECOMMENDATION

THAT Council:

- (1) gives first, second and third reading to Business Licence Amendment Bylaw No. 4058, 2026; and
- (2) directs staff to provide notice of Council's intent to consider Business Licence Amendment Bylaw No. 4058, 2026, by posting notice to the website, notice board and social media by February 9, 2026.

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Ted Swabey

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Attachment:

- (1) Business Licence Amendment Bylaw No. 4058, 2026.