

# Report

Date April 15, 2026  
Subject Business Licence Bylaw Amendment Bylaw No. 4058, 2026

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File:

## PURPOSE

To consider proposed amendments to Business Licence Bylaw No. 3153, 2002, following legal advice, which would permit 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 Council meeting of January 21, 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."*

Those amendments (Attachment 1) were brought forward 14 days later to the February 4 regular meeting of Council for consideration. At that meeting, Council gave Bylaw No. 4058 first, second and third readings and directed 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.

At the following meeting of February 18, Council rescinded third reading of the Bylaw and referred the following *proposed amendments*, which were moved and seconded, but not voted on, to staff to seek legal advice and return with a report to Council on the implications:

*"THAT the Business Licence Bylaw Amendment Bylaw No. 4058, 2026 be amended by:*

*1. Under item 2:*

- Amend (g) to preface the first line with "When a Good Neighbour Agreement is required by a rezoning, subdivision or other North Cowichan approval..." and remove "but are not limited to" on the second line.*
- Under (g) (ii) at the end, add "within reason, based on the business' nature and type of business".*
- Under (g) (iii) at the end, add "after 8:00pm".*
- Under (g) (iv) at the end, add "based on the business' nature and type of business"*
- Remove (h).*
- Under (i) between "other" and "terms", add "economically reasonable".*
- Add: "This bylaw amendment will not be effected upon any business license already*

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*in place as of the date of the passing of this amendment bylaw.”*  
2. Remove item 3 in its entirety.”

The proposed amendments were reviewed with the municipal solicitor at the April 1 in-camera meeting of Council where three concerns were raised:

1. Delegating the authority to revoke a business licence to staff,
2. Providing rigid timeframe restrictions, and,
3. Questions regarding the scale of enforcement.

## **DISCUSSION**

Council had concerns about staff’s ability to cancel a business licence without Council's approval and questions about the scale of enforcement used.

[Delegation of Authority Bylaw No. 3814](#), sec 6, delegates the power to grant, refuse, suspend, or cancel a business licence to the Manager, Bylaw and Business Licensing Services. Section 7 of this bylaw provides a mechanism for a business licence applicant or holder to appear before Council to have the decision of the Manager, Bylaw and Business Licensing Services reconsidered.

To make this provision clearer in the Business Licence Bylaw, the following section is being proposed to be added to the amendment bylaw (Attachment 2):

9 (5) A business licence applicant or holder that is subject to a decision made under section 9 of this bylaw is entitled to have the decision reconsidered by Council in accordance with the Delegation of Authority Bylaw.

Decisions related to the issuance, suspension or revocation of a Business Licence are guided by [Bylaw Compliance and Enforcement Policy](#).

This policy asserts a “Compliance Based Enforcement Model”:

Officers shall apply a progressive, compliance-based approach:

1. Education – Inform and encourage voluntary compliance
2. Warning – Provide opportunity to correct behavior
3. Enforcement – Issue tickets, orders, or other actions as authorized

Enforcement actions shall be:

- Fair and consistent
- Proportionate to the offence
- Documented appropriately

In addition to the Delegation of Authority Bylaw and Compliance and Enforcement policy, the practice within the Business Licence function is to advise Council of any potential revocations or denials of a Business Licence being considered.

With respect to Council's concerns regarding less detailed restrictions, the Business Licence Bylaw Amendment Bylaw, as it was originally structured, addresses this concern.

Therefore, it is recommended that the Business Licence Bylaw, as originally written, with the addition of the provision pointing to the Delegation of Authority Bylaw (Attachment 2), be approved.

## OPTIONS

### 1. **(Recommended Option)** THAT Council:

- (1) Gives third reading to Business Licence Amendment Bylaw 4058, 2026 – Option 2, as amended, 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 April 24, 2026.
  - This option provides staff with the flexibility to address potential impacts of a business activity by attaching conditions to the issuance of a Business Licence.

### 2. That Council provide alternate direction.

## IMPLICATIONS

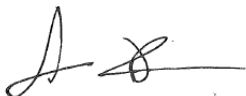
If adopted, the proposed changes will allow the Business Licence function of North Cowichan to add conditions to the issuance of a Business Licence that address issues related to a business's impact on neighbouring properties. If adopted, the proposed changes authorize the issuance of a Business Licence to a new business subject to reasonable conditions to protect against the business' operations creating a nuisance in the neighbourhood. The proposed changes would also authorize the imposition of such conditions in relation to existing businesses at the time of Business Licence renewal.

## RECOMMENDATION

THAT Council:

1. Gives third reading to Business Licence Amendment Bylaw 4058, 2026 – Option 2, as amended, 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 April 24, 2026.

Report prepared by:



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John Horn  
Director, Social Planning and Protective Services

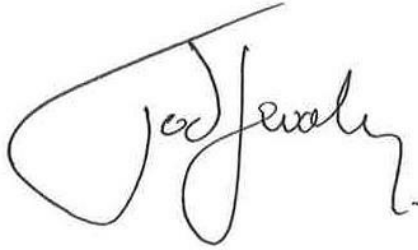
Report reviewed by:



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Teri Vetter  
Acting General Manager, Corporate Services and  
Community Relations

**Approved to be forwarded to Council:**

A handwritten signature in black ink, appearing to read "Ted Swabey". The signature is written in a cursive style with a large, sweeping initial "T".

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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Business Licence Amendment Bylaw No. 4058, 2026 – Option 1
- (2) Business Licence Amendment Bylaw No. 4058, 2026 – Option 2