

File No.: 04-1000-20-2021-074

March 19, 2021

Ian Bushfield
By Email: ian@bushfield.ca

Dear Ian:

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of February 4, 2021 for:

Records as follows:

- 1) Report by Raymond Young regarding alleged conflicts of interest by Councillor Michael Wiebe's votes on May 13, 2020 and May 27, 2020.**
- 2) Any advice provided to Councillor Wiebe by the City's legal staff regarding potential conflicts of interest.**

Date range: May 13, 2020 to February 4, 2021.

All responsive records are attached*. Some information in the records has been severed, (blacked out), under s.14 and s.22(1) of the Act. You can read or download this section here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

*For part two of your request, all responsive records, (12 pages), are being withheld in their entirety, under s.14 of the Act because they are legally privileged, (note: these pages are not included in the responsive record package).

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2021-074); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

[Signature on file]

Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca

453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:dp

CONFIDENTIAL REPORT

CODE OF CONDUCT COMPLAINT JUNE 29, 2020

PREPARED FOR: MAYOR KENNEDY STEWART

COMPLAINANT: MICHAEL REDMOND

RESPONDENT: COUNCILLOR MICHAEL WIEBE

PREPARED BY: R. E. YOUNG, QC

DATE OF REPORT: SEPTEMBER 12, 2020

Raymond Young, OC, Local Government and Planning Law Chambers

Kennedy Stewart, Mayor
3rd Floor, City Hall
453 West 12th Avenue
Vancouver, BC V5Y 1V4

Copy to:

Mr. Michael Redmond
s.22(1)

Councillor Michael Wiebe
3rd Floor, City Hall
453 West 12th Avenue
Vancouver, BC V5Y 1V4

September 12, 2020

Dear Mayor Stewart,

RE: Code of Conduct Complaint June 29, 2020

CONTEXT

On June 29th, 2020, Mr. Michael Redmond, a Vancouver resident filed with your office and that of the City Manager, a Conflict of Interest Complaint regarding Councillor Michael Wiebe, under S.8.2 of the Code of Conduct Policy AE-028-01. Mr. Redmond further requested that the Mayor appoint an independent third party to investigate his complaint, under S.8.3 of the Code, within 30 days of receipt of the complaint.

Accordingly, I was contacted on July 6th. Subsequently, as required by the Vancouver Charter, on July 7th Mayor Stewart advised Mr. Redmond and Councillor Wiebe, of his intention to retain my services as investigator and requested each of the parties to approve the appointment by July 14th. (Exhibit 2)

On July 10th, Mr. Redmond communicated his approval. (Exhibit 2)

On July 15, Mayor Stewart advised Councillor Wiebe that he had appointed Raymond Young to Investigate the complaint. (Exhibit 2)

On July 23rd, I contacted Councillor Wiebe in accordance with Section 177 (5) b. of The Vancouver Charter. On July 23rd, Councillor Wiebe emailed his defense of his actions in regard to the complaint. (Exhibit 16)

The Redmond complaint is attached as Exhibit 1. This document speaks to the specific issues raised in the complaint.

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BACKGROUND

Vancouver City Council, in response to the Provincial closure measures related to the COVID 19 pandemic, introduced options to help food and liquor serving establishments economically by permitting the creation of or extension to outdoor seating areas which met Provincial guidelines.

THE COMPLAINT (A)

According to Mr. Redmond, on May 13th, 2020 during the council meeting, Councillor Wiebe was in conflict of interest when "Not only did Councillor Wiebe participate in the discussions and vote to approve the final motion as amended, he moved and voted on amendments to the motions to direct staff to work directly with business operators to identify immediate patio seating options." (Exhibit 1)

FINDINGS

I have reviewed the minutes of the May 12th Council meeting where Councilor Kirby-Yung's motion of April 28th: "New Business: Flexible, Innovative & Expedited Patio Permitting" was on the agenda (Exhibit 3, page 15), and where Councillor De Genova moved that the Patio permitting be referred to the May 13th Standing Committee meeting (Exhibit 3, page 17). Councillor Wiebe was present at the May 12th meeting and voted in support of the referral.

I have reviewed the minutes of the May 13th meeting of the Standing Committee of Council on City Finance and Services. (Exhibit 4) Mr. Redmond's complaint is correct with regard to Councillor Wiebe's participation in the agenda of this meeting.

In the minutes of the May 13th meeting, Councillor Wiebe moved to amend the wording of the motion from "council direct staff to prepare options and report back as soon as possible to support more flexible patio types" to:
council to "direct staff to work directly with business operators to identify immediate patio seating options that would move indoor seating capacity outdoors to improve physical distancing"

Councillor Wiebe further amended the motion to "delete the words 'prepare options and report back as soon as possible to support more flexible patio types' "

Inserting "temporary outdoor seating guidelines" after "In consideration for"

THE COMPLAINT (B)

According to Mr. Redmond's complaint, at the same meeting on May 13th:

- A. "Councillor Wiebe moved and voted in favour of an amendment to strike Resolution B identifying any needed amendments to Street Vending By-Law No. 10868 and Street and Traffic By-Law No. 2849
- B. Councillor Wiebe voted on an amendment moved by Councillor Fry to 'approve in principle the prioritization of additional staff and budget resources to support the allocation flexible, innovative and expedited patio space, and direct staff to seek out cost

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recovery opportunities where possible and where reallocation of public space may be for private use’.

- C. Councillor Wiebe “spoke in favour of Councillor Kirby-Yung’s amendment to add a resolution H that a letter be sent to the Premier and Attorney General to allow BC restaurants to purchase liquor at whole sale prices and to expedite provincial approvals for expanded outdoor liquor service.”

(Exhibit 1)

FINDINGS

In examining the minutes from the May 13th meeting, I found that Mr. Redmond is correct on points A and B, however Point C, is inaccurate. The letter was to “applaud the Province’s announced move to allow BC restaurants to purchase liquor at wholesale prices, and to expedite provincial approvals for expanded outdoor liquor services.” (Exhibit 4, page 7)

The Standing Committee recommendations on Flexible, Innovative and Expedited Patio Permitting at the May 13th meeting were presented as “Unfinished Business” at the May 26th Council Meeting and approved by unanimous vote (Vote 05920) (Exhibit 17)

The minutes of the May 13th Standing Committee meeting were also approved at the Council Meeting of May 26th 2020. (Exhibit 17)

THE COMPLAINT (C)

According to Mr. Redmond, at the May 27th, 2020 Special Council Meeting, Councillor Wiebe was “again in a conflict of interest.” “He did not declare his pecuniary interest and leave the meeting. He seconded two motions moved by Councillor Kirby-Yung that would benefit his restaurants, participated in discussions, and voted in favour of both.” (Exhibit 1)

FINDINGS

I have reviewed Councillor Wiebe’s statements of Financial Disclosure.

In the Statements of Disclosure made by Councillor Wiebe on January 2019 and January 2020, he confirms that he is the owner / operator of Tripod Investment Group dba Eight ½ Restaurant and is an investor in The Portside Pub. In the 2020 statement of disclosure, Councillor Wiebe lists Eight ½ Restaurant and The Portside Pub as sources of income. (Exhibit 12)

I have reviewed the minutes from the May 27, 2020 Special Council Meeting. There is no record of Councillor Wiebe declaring a conflict of interest or of recusing himself from the meeting. (Exhibit 5)

The minutes from the May 27th Special Council meeting show that the following two motions were put forward; both were seconded by Councillor Wiebe. All councillors, including Councillor Wiebe cast affirmative votes on these motions:

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“ a) Enabling Temporary Expansion of Liquor Primary and Manufacturer Liquor Service Areas

Moved by Councillor Kirby-Yung

Seconded by Councillor Wiebe

- A. That Council instruct the Chief Licence inspector to inform the General Manager of the Liquor and Cannabis Regulation Branch in writing that Council pre-approves all liquor primary and manufacturer establishments in the City of Vancouver who may apply for expanded liquor service area before October 31, 2020.
- B. That Council approve in principle an amendment to the Licence By-Law No. 4450 to temporarily waive the “fee for assessing and providing comments on an application for a temporary amendment to a liquor licence requesting any other change to a liquor licence” when the application is for an expanded service area, until October 31, 2020.

Further That the director of Legal Services bring forward for enactment the necessary amendments to the Licence By-law No. 4450.

CARRIED UNANIMOUSLY (Vote No. 05977)

And

b) Fees for Temporary Patios During COVID -19 Recovery

Moved by Councillor Kirby-Yung

Seconded by Councillor Wiebe

THAT COUNCIL approve in principle by-law amendments to temporarily waive all permit and application fees associated with temporary expansion of patio spaces until October 31, 2020; FURTHER THAT the director of Legal Services bring forward for enactment such by-law amendments as are necessary to implement the above resolution.

CARRIED UNANIMOUSLY (Vote No. 05978) ”
(Exhibit 5)

These minutes were approved at the June 9th Council meeting (Exhibit 18)

On May 27th at 6:13pm Councillor Kirby-Yung “thank(s) all the councillors for their support of the Flexible, Innovative and Expedited Patio Permitting, particularly Councillor Wiebe.” (Audio of May 27th meeting)

THE COMPLAINT (D)

According to Mr. Redmond, The City announced on June 5, 2020 that Councillor Wiebe’s restaurant, Eight ½ Restaurant Lounge was among the 14 eateries, bars, and breweries awarded temporary patio permits.

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FINDINGS

An online search on Vancouver.ca for “City News, June 4, 2020”, confirms that 14 temporary patio permits had been issued since the start of the program. The permit for Eight ½ Restaurant was issued on June 4th, 2020. (Exhibit 24)

BARRISTER DUTY

In accordance with S. 177 (5) (b) of The Vancouver Charter:

(5) A report must not be made against a person against whom any charge is made in the course of an investigation until the person

(a) has been given reasonable notice of the charge, and

(b) has been allowed full opportunity to be heard in person or by counsel,

(a) Reasonable Notice Given

Mayor Kennedy Stewart advised Councillor Wiebe of the complaint made by Mr. Redmond on July 7th, 2020 and included a copy of the complaint. (Exhibit 2)

(b) Opportunity to be heard

On July 23rd, I contacted Councillor Wiebe by email, inviting him to select a time and place to meet (accompanied by counsel, if he chose) to discuss the complaint made against him. (Exhibit 16)

Councillor Wiebe responded on July 23rd “For context, I had legal advice in council chambers on the votes in question and did on numerous occasions declare a conflict interest on patio and related votes because of my restaurant and related businesses.” (Exhibit 16)

On August 16th, I emailed Councillor Wiebe requesting that he clarify his statements by email in lieu of a face to face meeting, given the rise in COVID 19 infections. (Exhibit 16)

When Councillor Wiebe failed to respond, I requested a summary of his declarations of conflict of interest from 2019 to July 2020, recorded by the City Clerk as required by The Vancouver Charter.

Under S 145.2 (6) (a) of the Vancouver Charter, the person recording the minutes of the meeting must record

- (i) The members declaration or statement,
- (ii) The reasons given for it, and
- (iii) The time of the member’s departure from the meeting room, and if applicable, of the members return

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The table below is the summary of Councillor Wiebe's declarations of conflicts of interest from 2018 to July 2020 as provided by the City Clerk (Exhibit 15).

Councillor Wiebe's Declaration of Conflict of Interest

2018					
Date	Type	Conflict?	Vote No.	Item	Reason
Dec 4 2018	Council	WIEBE Conflict	n/a (by-law)	1. A By-law to designate certain real property as protected heritage property (3123-3129 West Broadway Street – Hollywood Theatre) (By-law No. 12324)	He sits on the Hollywood Arts Foundation Board
Dec 18 2018	Council	WIEBE Conflict	n/a (by-law)	7. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (3123-3129 West Broadway Street – Hollywood Theatre) (By-law No. 12334)	He sits on the Hollywood Arts Foundation Board
2019					
Date	Type	Conflict?	Vote No.	Item	Reason
July 9, 16 & 17	Council	WIEBE Conflict	4758	7. Dissolution of the South Fraser Street Collective Parking Project	He sat on the Board of Directors for EasyPark
10-Jul	PSP	WIEBE Conflict	4724	5. 205 East 12th Avenue – Donnelly Holdings Ltd. (Gift Shop)	His business is located within three blocks of the applicant's address.
26-Nov	Council	WIEBE Conflict	5170	5. Approval of Council Initiatives - BIA Renewal and Expansion 2020	He was involved as the President of the Mount Pleasant BIA of the expansion
2020					
Date	Type	Conflict?	Vote No.	Item	Reason
Feb 26 & Mar 3	CFS	WIEBE Conflict	5601	4. Approval of Downtown Vancouver Business Improvement Area Renewal and Mount Pleasant Business Improvement Area Expansion 2020	He was the former president of the Mount Pleasant Business Improvement Association.
10-Mar	Council	WIEBE Conflict	n/a (bylaw)	6. A By-law to designate an Expansion Business Improvement Area in that area of the City known as Mount Pleasant (By-law No. 12856) 7. A By-law to grant money for a Business Promotion Scheme in the Mount Pleasant Expansion Business Improvement Area (By-law No. 12857)	He was involved in the expansion of the Mount Pleasant BIA
11-Jun	Special	WIEBE Conflict	6074	1. Zoning and Development By-law Amendments to Temporarily Allow Patios on Private Property for Businesses	He is part owner of a liquor primary establishment with a private patio
			6075	2. A By-law to Amend Street Vending By-law No. 10868 Regarding Amendment to Patio Definitions	
			6076	3. A By-law to Enact Temporary Patio and Street Vending Fees 4. Motion: Expanding Occupant Load Capacity of Liquor Primary Establishments and Other Assembly Uses to Support COVID Economic Recovery	
24-Jun	PSP				Wiebe left on potential conflict during amendments (related to his restaurant) but then came back as that amendment was ruled out of order anyways (Declared a conflict would have been due to the amendment having financial impacts on the restaurant he owns) Councillor Wiebe then stated that since the Vancouver Food Policy Council requested the changes to the whereas clauses and the amendment was not reflected in the motion, he did not have a conflict of interest and would be voting on the motion.
30-Jun	Special (PH)	WIEBE Conflict	6166 & 6167	1. TEXT AMENDMENTS: Zoning and Development By-law Amendments to Temporarily Allow Patios for Businesses on Private Property	He is part owner of a liquor primary establishment with a private patio
7-Jul	Council	WIEBE Conflict	6164, 6165, 6166 & 6167	5. Alignment of Occupancy Limits between Building and Fire By-Laws	He is part owner of a liquor primary establishment
Jul 22, 23, 24 & 27	PSP	WIEBE Conflict	6261 & 6262	7. Decriminalizing Poverty and Supporting Community-led Safety Initiatives (an amendment)	His mother is on the board of one of the listed organizations. (conflicted on an amendment for the item, returned after vote, then conflicted on B in final vote)
29-Jul	Special	WIEBE Conflict	6272, 6273, 6274, 6275, 6276 & 6277 6279	1. Alcohol Consumption in Public Spaces Pilot - Recommendations 2. A By-law to amend the City Land Regulation By-law No. 3736	He is part owner of a liquor primary establishment

Timeliness of Disclosures

On December 10, 2018, just after the municipal election, a memo titled "Protocol for Potential Conflict of Interest" (Exhibit 19), was sent to the Mayor and Council to assist the Mayor and

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Council in declaring conflicts of interest and facilitate adjusting the meeting agenda to minimize the absence of the affected council member.

According to the City records, the May 13th Standing Committee on City Finance and Services agenda was sent on May 6th at 4:34 pm. The May 27th Standing Committee on Policy and Strategic Priorities agenda which included the May 27th Special Council meeting, was sent on Wednesday May 20th at 3:25pm.

Councillor Wiebe did not preface his votes on May 13th and May 27th with a statement of pecuniary interest or make any reference to a pecuniary interest or conflict of interest at any time during the Standing Committee Meetings on May 13th and 27th or the Special Council Meeting of May 27th. (Exhibits 4 & 5)

An email from Tina Penny, Director, Legislative Operations states "Neither I nor my staff are aware of any advice from Cllr. Wiebe of any conflicts for the May 13, 2020 or May 27, 2020 Standing Committee meetings." (Exhibit 20) The official minutes of the Special Council meeting on May 27th do not record any declarations of conflict of interest being made by Councillor Wiebe. (Exhibit 5)

Councillor Wiebe's first declaration of a conflict of interest on patio related items was weeks later, at the June 11th Special Council Meeting where the TEPP was being extended to patios on private property. (Exhibit 6)

Claim of Legal Advice

I reviewed the meeting minutes for May 13th and 27th. There is nothing on the official records to show that Councillor Wiebe sought and/or received legal or other advice during these meetings or that he made his personal pecuniary conflict known to the public. To date, Councillor Wiebe has not provided additional information.

CONCLUSIONS

The City of Vancouver's Code of Conduct and the Vancouver Charter applies to all Council members and to senior civic officials. The conflict of interest is defined in the Code of Conduct Corporate Policy AE-028-0. The Vancouver Charter addresses conflicts in Council meetings, Council committee meetings, an advisory committee, or other advisory body, established by Council under The Vancouver Charter or another Act.

City of Vancouver Code of Conduct Corporate Policy AE-028-01

Conflict of Interest

"A conflict exists when an individual is, or could be influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgement, close mindedness or undue influence."

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The Vancouver Charter

Disclosure of conflict

- 145.2** (1) This section applies to Council members in relation to
- (a) Council meetings,
 - (b) Council committee meetings, and
 - (c) meetings of any other body referred to in section 165.7 [*application of open meeting rules to other city bodies*].
- (2) If a Council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest, the member must declare this and state in general terms the reason why the member considers this to be the case.
- (3) After making a declaration under subsection (2), the Council member must not do anything referred to in section 145.3 (2) [*restrictions on participation*].

Application to other city bodies

- 165.7** Subject to the regulations under section 165.8, sections 165.1 to 165.5 apply to meetings of the following:
- (a) a public auditorium or museum board or commission under section 204A;
 - (b) the Building Board of Appeal under section 306B;
 - (c) [Repealed 2012-29-51.]
 - (d) the Park Board under section 485;
 - (e) the Board of Variance under section 572;
 - (f) heritage commission under section 581;
 - (g) a Court of Revision under this Act;
 - (h) other administrative bodies;
 - (i) an advisory committee, or other advisory body, established by Council under this or another Act;
 - (j) a prescribed body.

Restrictions on participation if in conflict

- 145.3** (1) This section applies if a Council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 145.2 (2).
- (2) The Council member must not
- (a) remain or attend at any part of a meeting referred to in section 145.2 (1) [*disclosure of conflict*] during which the matter is under consideration,
 - (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or

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(d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

(3) A person who contravenes this section is disqualified from holding office as described in section 145.911 *[disqualification for contravening conflict rules]* unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on inside influence

145.4 (1) A Council member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken

(a) at a meeting referred to in section 145.2 (1) *[disclosure of conflict]*,

(b) by an officer or an employee of the city, or

(c) by a delegate under section 161 *[delegation of powers]*,

if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2) A person who contravenes this section is disqualified from holding office as described in section 145.911 *[disqualification for contravening conflict rules]* unless the contravention was done inadvertently or because of an error in judgment made in good faith.

(2) A person who contravenes this section is disqualified from holding office as described in section 145.911 *[disqualification for contravening conflict rules]* unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Application of the Vancouver Charter and The City of Vancouver Policy Number: AE-028-01

CONFLICT OF INTEREST

Councillor Wiebe has both an indirect pecuniary interest in the Restaurant Eight ½ Restaurant as owner/operator and a direct pecuniary interest in both Eight ½ Restaurant and The Portside Pub as he derives income from these businesses. (Exhibit 12) Therefore, he has a direct and indirect pecuniary interest in the Flexible, Innovative & Expedited Patio Permitting motion that was on the agenda on May 13th, May 26th, May 27th and June 11th.

Per S.145.2 of the Vancouver Charter, he was obligated to declare this and not entitled to participate in the discussion or vote on the matter.

In failing to disclose his interest in the restaurant Eight ½ Restaurant and The Portside Pub at the Standing Committee meeting on May 13th and the Special Council meeting on May 27th, then remaining at the meeting, voting on temporary patio matters on May 13th and on May 27th and by participating in the matter on May 27th by seconding two motions related to temporary patios, Councillor Wiebe violated S.145.2 (2) in its entirety and violated S.145.3 (2) (a) (b) and (c).

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His declaration of conflict of interest relating to his businesses on June 11th, 2020 does not validate a conflict of interest relating to his businesses on May 13th and 27th, 2020. [Section 145.2 (2)]

In amending the motion to have staff work directly with business owners (Exhibit 5), Councillor Wiebe also violated S 145.4

Exceptions to Conflict of Interest

S. 145.3 (3) of The Vancouver Charter provides that:

A person who contravenes this section is disqualified from holding office as described in section 145.911 [disqualification for contravening conflict rules] unless the contravention was done inadvertently or because of an error in judgement made in good faith.

Councillor Wiebe demonstrated an understanding of conflict of interest on numerous occasions prior to May 13th, 2020.

He declared conflicts, provided the reasons for the declarations, and absented himself from the meetings in twice in 2018, thrice in 2019 and twice prior to the May 13th, 2020 meeting. (Exhibit 15)

Despite apparently being knowledgeable about conflicts of interest, on May 13th Councillor Wiebe put forward the amendment "staff to work directly with business operators to identify immediate patio seating options." Councillor Wiebe had to know that he was a business operator. His proposed and passed amendment enabled Councillor Wiebe to wear two hats when dealing with city staff: that of the Council member and that of the business owner. This was a clear conflict of interest situation that he deliberately set in motion. This conflict of interest cannot be viewed as an inadvertent action.

The TEPP is effective from June 1 to November 1, 2020. Applications for the program were first accepted on June 1st, the same day the program came into effect. The Eight ½ Restaurant application was received on June 2nd. (Exhibit 24). The Portside Pub application was received on June 29th. (Exhibit 25) The permits were issued on June 4th and June 30th respectively.

Councillor Wiebe's restaurant, Eight ½ Restaurant was among the first 87 businesses to apply for the TEPP. The TEPP submission requires that the application include measurements, drawings and photographs of the proposed patio space, plus a Provincial COVID 19 temporary extension permit. (Exhibit 22) There is significant planning and preparation involved in submitting an application. Furthermore, email correspondence involved in the application process was between the administrators of the program and Michael Wiebe at hmcswiebe@gmail.com. (Exhibit 24)

From this time line and the email string, it is clear that Councillor Wiebe's actions on May 13th and 27th were made with the knowledge that he was personally involved in facilitating his restaurant, Eight ½ Restaurant, submitting its application on June 2nd, one day after the program came into effect. The permit was issued two days later on June 4th.

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His conflict of interest actions cannot be viewed as an error in judgement made in good faith.

Exceptions from Conflict of Interest as related to pecuniary interests

S 145.6 of the Vancouver Charter provides:

- (1) Sections 145.2 to 145.5 [disclosure of conflict; restrictions on participation; inside influence; outside influence] do not apply if one or more of the following circumstances applies:
 - (a) the pecuniary interest of the council member is a pecuniary interest in common with electors of the city generally;
 - (b) in the case of a matter that relates to a local improvement project, the pecuniary interest of the Council member is in common with other persons who are or would be liable for the cost of the local improvement project;
 - (c) the matter relates to remuneration, expenses or benefits payable to one or more Council members in relation to their duties as Council members;
 - (d) the pecuniary interest is so remote or insignificant that it cannot reasonable be regarded as likely to influence the member in relation to the matter;
 - (e) the pecuniary interest is of a nature prescribed by regulation.

While Councillor Wiebe is correct in stating that TEPP is a citywide program, (Exhibit 13) it is limited to restaurants and liquor primary establishments with existing patios or the ability to create patios. There were over 3,000 business licenses issued to restaurants and bars in 2019. (Exhibit 23) As of July 24th the city had issued 290 temporary permits for patios. (Exhibit 14) As of that date, the TEPP benefited less than 10% of restaurants and bars in the city. While the number of applications has increased since that date, it is still limited to the food service industry. Within the food service industry, it is further limited to those establishments that can, within the City's and the Province's guidelines, expand existing patios or create new patios. Therefore, this pecuniary interest cannot be considered a pecuniary interest in common with the electors of the city in general.

Councillor Wiebe's conflict of interest does not qualify for exemption under S145.6. (a)

In respect to S 145.6 (d), the pecuniary benefit of the TEPP was not insignificant to Councillor Wiebe's interests.

The TEPP allows qualified businesses to expand their seating area for 5 months of 2020 - June 1 to October 31, 2020. Application and permit fees are waived. (Exhibit 5) Business owners that have been able to take advantage of this program have applauded the city. (Exhibit 23)

According to Councillor Wiebe TEPP "is a tool that will hopefully help us survive." (Exhibit 13)

Subsections (b), (c) and (e) are not applicable.

RECOMMENDATIONS

1. Disqualification from holding office due to Conflict of Interest

Councillor Wiebe is disqualified from holding office under sections of 145.3 to 145.91 of the Vancouver Charter

- (a) on Council or on the Park Board
 - (b) on any other local government, or
 - (c) as a trustee under the Islands Trust Act
- until the next general election.

2. Resignation

It would be appropriate for Councillor Wiebe to resign his seat on Council.

Under S 142.1 (Exhibit 21) a formal letter of resignation must be sent to the City Clerk to effect a resignation.

3. Continuing to hold office despite disqualification

If Councillor Wiebe does not voluntarily remove himself from office, the Vancouver Charter provides a remedy under section 142.1, (1)

If it appears that a person is disqualified under section 38(2), other than subsection (2) (f) of that section, and is continuing to act in office,

- (a) 10 or more electors of the city, or
 - (b) The city,
 - (c) May apply to the court for an order under this section.
- (1) As a restriction, the city may only make an application under section (1) if this is approved by a resolution that
- (2) (a) is adopted by vote of at least two-thirds of all Council members,
- AND
- (b) identified the grounds for disqualification under section 38(2) that the council considers apply.

4. Recovery of Financial Gain

In his Code of Conduct Complaint, Mr. Redmond writes: "the investigator may wish to consider whether it is appropriate to rescind any permits or other benefits granted Councillor Wiebe's restaurants", (Exhibit 1)

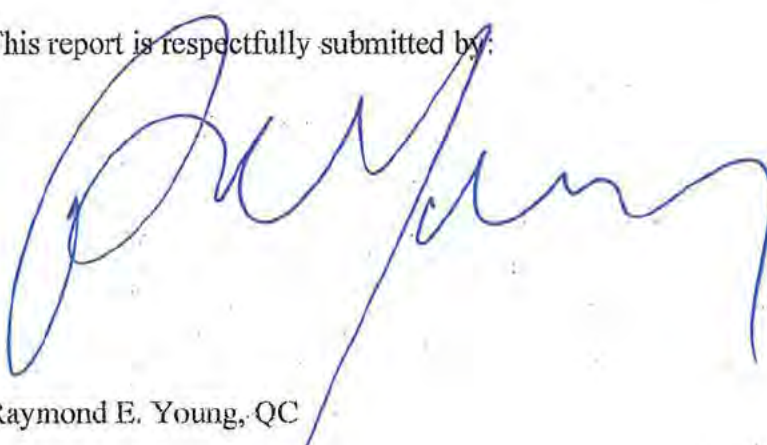
Recovery of financial gain is beyond the scope of this investigation and can only be decided in the Supreme Court of British Columbia as stipulated in the Vancouver Charter s 145.92. (Exhibit10)

CLOSING SUMMARY

As the appointed investigator of this complaint, I have completed this report according to the provisions set out in the City of Vancouver Corporate Policy: Code of Conduct Policy AE-028-01 as follows:

2. 8.3.2 Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
3. 8.3.3 Provide an investigation update within ninety (90) days of his or her appointment to the Mayor or Deputy Mayor, as applicable, and to the Complainant and the Respondent;
4. 8.3.4 Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Deputy Mayor, as applicable, and to the Complainant and the Respondent; and
5. 8.3.5 Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
 1. a) dismissal of the complaint; or
 2. b) public censure of a Council Official or Officials for misbehaviour or a breach of this Code of Conduct;
 3. c) a requirement that a Council Official or Officials apologize to any person adversely affected by a breach of this Code of Conduct;
 4. d) counselling of a Council Official or Officials and/or
 5. e) such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.

This report is respectfully submitted by:


Raymond E. Young, QC

Raymond Young, OC, Local Government and Planning Law Chambers

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CODE OF CONDUCT COMPLAINT RECEIVED ON JUNE 29, 2020

From: mpredmon@s.22(1) [mailto:mpredmon@s.22(1)]
Sent: Monday, June 29, 2020 10:14 AM
To: Stewart, Kennedy; Johnston, Sadhu
Cc: Cornell, Francie
Subject: [EXT] Conflict of Interest Complaint regarding Councillor Michael Wiebe

Dear Mayor and City Manager:

Re: Conflict of Interest Complaint regarding Councillor Michael Wiebe

I write to file a formal conflict of interest complaint regarding Councillor Michael Wiebe under s.8.2 of the Code of Conduct Policy AE-028-01 and request that the Mayor appoint an independent third party to investigate this complaint, under s.8.3 of the Code. I note that under s.8.3 the Mayor must appoint the investigator within 30 days of receipt of this complaint.

The *Vancouver Charter* is expressly incorporated within the Code of Conduct (Code). This complaint is with respect to breaches of both.



The Complaint & Events

Councillor Michael Wiebe is the owner/operator of Eight ½ Restaurant Lounge, the Tripod Investment Group Ltd. doing business as Eight ½ Restaurant Lounge, and an investor in Portside Pub Ltd, as reported in his Financial Disclosure Statement Jan 3, 2020 (his restaurants). Councillor Wiebe declared a conflict of interest as part owner of a liquor primary establishment with a private patio, in a Special Council Meeting, June 11, 2020. (He did not say which of his restaurants is a liquor primary establishment or if both are.)

Councillor Wiebe has a duty under the Code of Conduct and *Vancouver Charter* provisions to declare his pecuniary interest in his restaurants and recuse himself from attending any part of a meeting, participating in any discussion, voting on, or attempting to influence the vote on any question in a matter in which he had a pecuniary interest. (ss.145.2, 145.3 *Vancouver Charter*, ss 4 and 2.8 Code)

May 13, 2020 Council Meeting

Councillor Wiebe was in a conflict of interest when he did not declare that he had a pecuniary interest in two restaurants (at least one of which would be applying for a patio permit under the program being considered) and recuse himself from the meeting where a motion concerning "Flexible, Innovative and Expedited Patio Permitting" was being considered.

Not only did Councillor Wiebe participate in the discussions and vote to approve the final motion as amended, he moved and voted on amendments to the motion to direct staff to "work directly with business operators to identify immediate patio seating options that would move indoor seating capacity outdoors to improve physical distancing" in place of wording directing the staff to "prepare options and report back as soon as possible to support more flexible patio types."

These changes directed staff to work directly with business operators, which would include Councillor Wiebe himself or his business managers or staff, in identifying and shaping the options. The changes would also speed up the process, thereby benefiting Councillor Wiebe's restaurants, as well as other applicants.

Councillor Wiebe also moved and voted in favour of an amendment to strike Resolution B identifying any needed amendments to Street Vending By-law No. 10868 and Street and Traffic By-law No. 2849. He later recused himself in the Council Meeting on June 11, 2020 when a motion concerning Street Vending By-law No. 0868 was under consideration.

Further, Councillor Wiebe voted on an amendment moved by Councillor Fry to "approve in principle the prioritization of additional staff and budget resources to support the allocation of flexible, innovated and expedited patio space, and direct staff to seek out cost recovery opportunities where possible and where reallocation of public space may be for private use."

An increase in staffing and resources would mean an increased cost to the City and to Vancouver taxpayers in order to provide the benefit of a speedier process to permit applicants, including Councillor Wiebe's two restaurants.

Councillor Wiebe also spoke and voted in favour of Councillor Kirby-Yung's amendment to add a resolution H that a letter be sent to the Premier and Attorney General to allow BC restaurants to purchase liquor at whole sale prices and to expedite provincial approvals for expanded outdoor liquor service.

This reduction in liquor prices and expedited approval process would clearly benefit Councillor Wiebe's restaurants.

May 27, 2020 Special Council Meeting

Councillor Wiebe was again in a conflict of interest when he attended the May 27, 2020 Special Council Meeting. He did not declare his pecuniary interest and leave the meeting. He seconded two motions moved by Councillor Kirby-Yung that would benefit his restaurants, participated in the discussions, and voted in favour of both.

The first motion was for Council to pre-approve all liquor primary and manufacturer establishments who apply for expanded liquor service areas, and the waiver of the fee.

As part owner of a liquor primary establishment with a private patio (as later declared by Councillor Wiebe) Councillor Wiebe had a direct pecuniary interest in the outcome of this motion.

The second motion was to waive the permit and application fees associated with the temporary expansion of patio spaces, which also benefited Councillor Wiebe's two restaurants.

June 4, 2020 City News Release

The City issued a News Release that there were 46 applications for free temporary patios since June 1. Three were submissions for patios on private property.

June 5, 2020 City Announcement

The City Announced that Councillor Wiebe's restaurant, Eight ½ Restaurant Lounge, was among the 14 eateries, bars, and breweries awarded temporary patio permits. Eight ½ Restaurant was approved for a free temporary patio permit from June 1, to Oct 31, 2020.

June 5, 2020, 9:48 a.m. Georgia Straight

The *Georgia Straight* newspaper published an article by Charlie Smith, titled "*Councillor Michael Wiebe's restaurant among 14 eateries, bars, and breweries that obtained temporary patio permits.*"

June 5, 2020, 11.25 a.m. Tweet

Councillor Michael Wiebe said in a tweet on his Twitter account @councillorwiebe, "This is critical for local restaurants to meet the Provincial physical distancing guidelines. I was told that I'm not in conflict as the policy is city wide, temporary, and doesn't increase my seating capacity which is still at 50%. It's a tool that will hopefully help us survive."

June 11, 2020 Special Council Meeting

Councillor Wiebe declared a conflict of interest and recused himself on items 1 through 4, as part owner of a liquor primary establishment with a private patio.

He left the meeting and did not return. Items 1 through 4 concerned: 1) Zoning and By-law Amendments to Temporarily Allow Patios on Private Property for Business; 2) A By-law to Amend a Street Vending By-law No. 10868 Regarding Amendments to Patio Definitions; 3) A By-law to Enact Temporary Patio and Street Vending Fees; and 4) Motion: Expanding Occupant Load Capacity of Liquor Primary Establishments and Other Assembly Uses to Support COVID Economic Recover.

No Defence

Vancouver Charter s.145.6 Exceptions

Councillor Wiebe's conduct does not fall within any of the exceptions found in s.145.6 of the *Vancouver Charter*.

In particular (a), Councillor Wiebe's pecuniary interest was not "a pecuniary interest in common with electors of the city generally." The matters apply to restaurant and liquor serving establishments, of which Councillor Wiebe owns at least 2, not all the electors of the city generally.

Further (d), Councillor Wiebe's pecuniary interest was not "so remote or insignificant that it cannot reasonably be regarded as likely to influence he member in relation to the matter." It is clear from Councillor Wiebe's Tweet on June 5, 2020 that the matters were critical for local restaurants (including his) to meet the physical distancing guidelines and to help them survive.

Vancouver Charter s.145.3 (3) Inadvertence or error in judgement made in good faith

Councillor Wiebe's contravention of s.145.3 of the *Vancouver Charter*, was not "done inadvertently or because of an error in judgment made in good faith," (s.145.3(3)).

Councillor Wiebe is required by s.4.4. of the Code to fully inform himself of the statutory requirements and common law in respect of conflicts and comply with all requirements. In the event of a conflict or perceived conflict, he must seek legal advice. He did not do this, or he would have recused himself from the meetings or said he had sought legal council prior to participating in the critical council meetings.

Further, it appears that Councillor Wiebe did not take the steps a Council member should take in alerting the City Clerk of potential conflict of interest well in advance of a Council meeting as set out in the Protocol for Potential Conflicts of Interest Memo issued by the City Manager to the Mayor and Council, dated December 10, 2018.

Councillor Wiebe tweeted on June 5, 2020 that "I was told that I'm not in conflict as the policy is city wide, temporary, and doesn't increase my seating capacity which is still at 50%." He does not say who told him this or when. If it was legal advice, he would have said so. It is also not clear if he was told this before his participation in the council meetings or after the issue was raised in the *Georgia Straight* news article.

Councillor Wiebe must have realized that the motions in question would impact his restaurants as he says in his June 5 Tweet that "This is critical for local restaurants to meet the Provincial physical distancing guidelines," and "It's a tool that will hopefully help us survive." Given the importance to him, his breach could not have been done inadvertently or because of an error in judgment made in good faith.

Law of General Application

The motions on which Councillor Wiebe voted are not laws of general application, like the speed limit on a roadway used by all.

The motions passed on May 13 with respect to expedited patio permitting, waiver of fees and increase staffing and resources benefited the 14 establishments, including Councillor Wiebe's restaurants, whose permits were approved between June 1 and the announcement on June 5, 2020. A law that affects 14 businesses with applications pending is not a law of general application. Besides these 14 businesses, the law affects only restaurant and liquor serving businesses, not all small businesses, nor the majority of people who are not restaurant or business owners. Thus, it is not a law of general application.

Remedy

If Councillor Wiebe is found to have contravened s.145.3 of the *Vancouver Charter* he is disqualified from holding office (s.145.3(3)) until the next general local election (s.145.911). I request that the Investigator recommend the appropriate steps be taken with respect to the remedies under s.143(3) if Councillor Wiebe is found to have contravened this section and does not resign.

Further, the Investigator may wish to consider whether it is appropriate to rescind any permits or other benefits granted to Councillor Wiebe's restaurants pursuant to the matters Councillor Wiebe participated in while in a conflict of interest.



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MAYOR KENNEDY STEWART

July 07, 2020

To:

Councillor Michael Wiebe

By email: Michael.Wiebe@vancouver.ca

Michael Redmond

By email: [\(b\) \(2\)](mailto:mpredmon@s.22(1))

Dear Councillor Wiebe and Michael Redmond:

I write further to a complaint that has been submitted pursuant to the City of Vancouver's Code of Conduct Policy (the "Code of Conduct"). Michael Redmond (the "Complainant"), has alleged that Councillor Wiebe (the "Respondent") is in breach of Section 8.3 of the Code of Conduct (the "Complaint"). A copy of the Complaint is attached to this letter for your reference.

The Code of Conduct sets out the process to be followed in investigating alleged breaches of the Code of Conduct. The purpose of this letter is to advise each of you of the complaint process that will be followed in this matter.

Pursuant to the Code of Conduct, within thirty days of receipt of a complaint, an independent third party investigator (the "Investigator") is to be identified and agreed as between the Complainant and the Respondent as having the necessary professional skills, knowledge and experience to investigate the complaint. I have inquired with the City of Vancouver's Legal Services Department as to the name of a potential Investigator with the necessary skills, knowledge and experience to investigate this Complaint. Based on the recommendation of the Legal Services Department, I am proposing Raymond Young, QC for your consideration to be appointed as the Independent Investigator.

Mr. Young, Q.C., is a lawyer at Local Government and Planning Law Chambers. He has practiced law for over 30 years in the field of Local Government Law. He has also taught for over 20 years at the Faculty of Law, University of British Columbia, including teaching the Municipal Law course for over 10 years.

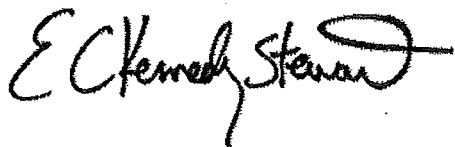
I would ask that each of you provide your consent to Mr. Young, Q.C., being appointed as the Investigator in this matter by the close of business **Wednesday, July 14, 2020**. If you do not agree that Mr. Young, Q.C., has the necessary professional skills, knowledge or experience to investigate, please state the basis for your objection.

Upon the Investigator being appointed, he may conduct a preliminary assessment of the Complaint and may determine to continue the investigation or make a written recommendation that the complaint be dismissed on the basis that it is unfounded, beyond jurisdiction or unlikely to succeed. If the latter occurs, the complaint process will come to an end.

If the Investigator determines to continue the investigation of the Complaint, the Investigator is to conduct an investigation that is fair, timely, confidential and that otherwise accords with the principles of due process and natural justice. I anticipate that will include the review of documents and other information and interviews of the Complainant, the Respondent and other witnesses, though ultimately it is for the Investigator to determine the nature of the investigation. While there is no timeline for the completion of the Investigation, the Code of Conduct does require the Investigator to provide an investigation update to me, the Complainant and the Respondent, within 90 days of the Investigator's Appointment. Upon the completion of the investigation, the Investigator will prepare a confidential report (the "Report") setting out the findings of the investigation, including whether there has been a breach of the Code of Conduct, which report will be provided to myself, the Complainant and the Respondent. The Report will include the Investigator's recommendations as to the appropriate resolution of the Complaint.

If you have any questions as to the process, please feel free to contact me. In the meantime, I look forward to receipt of your response as to whether you consent to the appointment of Mr. Young, Q.C., as the Investigator.

Sincerely,



Kennedy Stewart
Mayor, City of Vancouver

Shaw Webmail

cherilowden@shaw.ca

[EXT] RE: Code of Conduct complaint

From : mpredmond@s.22(1)

Fri, Jul 10, 2020 01:16 PM

Subject : [EXT] RE: Code of Conduct complaint

1 attachment

To : Stewart, Kennedy <Kennedy.Stewart@vancouver.ca>,
Wiebe, Michael <Michael.Wiebe@vancouver.ca>**Cc :** Zaenker, Anita <Anita.Zaenker@vancouver.ca>, Aguilar,
Andrew <Andrew.Aguilar@vancouver.ca>

City of Vancouver security warning: Do not click on links or open attachments unless you were expecting the email and know the content is safe.

Dear Mayor Stewart,

Thank you for your letter of July 7.

The appointment of Mr. Young to investigate this matter is acceptable.

Yours truly,

Michael Redmond

From: Stewart, Kennedy <Kennedy.Stewart@vancouver.ca>

Sent: July 7, 2020 5:27 PM

To: Wiebe, Michael <Michael.Wiebe@vancouver.ca>; mpredmond@s.22(1)

Cc: Zaenker, Anita <Anita.Zaenker@vancouver.ca>; Aguilar, Andrew
<Andrew.Aguilar@vancouver.ca>

Subject: Code of Conduct complaint

Dear Councillor Wiebe and Mr. Redmond,

Please see attached Code of conduct letter dated July 07, 2020 for your information.

I look forward to hearing from you both with regard to your consent to the appointment of Mr. Young as the investigator, by July 14th at the latest.

Sincerely,
Kennedy Stewart
Mayor, City of Vancouver



MAYOR KENNEDY STEWART

July 21, 2020

To:

Councillor Michael Wiebe

By email: Michael.Wiebe@vancouver.ca

Michael Redmond

By email: mpredmond

s.22(1)

Dear Councillor Wiebe and Michael Redmond:

This is to confirm that I have appointed an Independent Investigator to investigate the Code of Conduct complaint filed by Mr. Redmond against Councillor Wiebe.

The investigator is Raymond Young QC, a lawyer at Local Government and Planning Law Chambers.

I made the appointment after a telephone conversation with Mr. Raymond Young.

I will provide Mr. Young with the information about the complaint, and provide him with your contact information. You can expect to be contacted by Mr. Young

Please let me know if you have any questions.

Sincerely,

Kennedy Stewart
Mayor, City of Vancouver



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COUNCIL MEETING MINUTES

MAY 12, 2020

A Meeting of the Council of the City of Vancouver was held on Tuesday, May 12, 2020, at 9:32 am, in the Council Chamber, Third Floor, City Hall. This Council meeting was convened by electronic means as authorized under the Order of the Minister of Public Safety and Solicitor General of the Province of British Columbia – Emergency Program Act, Ministerial Order No. M139.

PRESENT:

Mayor Kennedy Stewart
Councillor Rebecca Bligh*
Councillor Christine Boyle
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Lisa Dominato
Councillor Pete Fry
Councillor Colleen Hardwick
Councillor Sarah Kirby-Yung
Councillor Jean Swanson
Councillor Michael Wiebe

CITY MANAGER'S OFFICE:

Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager

CITY CLERK'S OFFICE:

Rosemary Hagiwara, Deputy City Clerk
Denise Swanston, Meeting Coordinator

WELCOME

The Mayor acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Mayor also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

ACKNOWLEDGEMENT – Passing of Constable Peter Da Silva, Vancouver Police Department

On behalf of Council, the Mayor expressed condolences to the family, colleagues and friends of Vancouver Police Department Constable Peter Da Silva, who suddenly and unexpectedly passed away last week. Constable Da Silva leaves behind a wife, two teenage children, family, and countless friends both inside and outside the organization. Council took a moment of silence to honour the many contributions and achievements of Constable Da Silva.

PUBLIC NOTICE – During the meeting, Mayor Stewart advised that pursuant to Section 164.1(2) of the *Vancouver Charter*, public notice was given that Council will give consideration to amend *Procedure By-law* No. 12577 at the Standing Committee meeting on May 27, 2020.

IN CAMERA MEETING

MOVED by Councillor Carr

SECONDED by Councillor De Genova

THAT Council will go into meetings later this week which are closed to the public, pursuant to Section 165.2(1) of the *Vancouver Charter*, to discuss matters related to paragraphs:

(c) labour relations or other employee relations;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 [disclosure harmful to business interests of a third party] of the Freedom of Information and Protection of Privacy Act;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public;

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

1. Council – April 28, 2020

MOVED by Councillor Carr

SECONDED by Councillor Hardwick

THAT the Minutes of the Council meeting of April 28, 2020, be approved.

CARRIED UNANIMOUSLY

2. Flexible, Innovative and Expedited Patio Permitting

MOVED by Councillor Kirby-Yung

SECONDED by Councillor De Genova

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 is upon us now. Expedited patio permitting must be turnkey when restaurants are able to reopen to table type service;
7. Some work has begun with staff offering online renewals for patio permits during the COVID-19 crisis;
8. 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;
9. Patios provide the health benefit of fresh air and sunlight;
10. 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, or utilization of curb lane, street, sidewalk and laneway space for extensions where it doesn't impede accessibility, transit, emergency vehicles or traffic;
11. Currently, patio permitting can require a combination of licensing, development permits and permits to enable operations;

12. Currently, craft breweries are not permitted to have patio operations in Vancouver;
13. The City of Vancouver has initiated a street reallocation response that focuses on Room to Queue, Room to Load, and Room to Move during the COVID-19 pandemic. There is opportunity to add Room to Eat to this work, and to re-examine public space use as part of a new post-pandemic world; and
14. Many cities are re-examining the use of public space now to achieve healthier communities. A COVID legacy can be a more vibrant and people focused public realm.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to prepare options and report back as soon as possible to support more flexible patio types (including consideration for pre-detailed designs and formats), utilization of curb lane, street, sidewalk and laneway space for extensions, expedited permitting including applications and renewals, as well as the number of patios allowed, in order to support the economic recovery and safe operations of Vancouver's restaurant sector in the context of COVID-19.
- B. THAT such options identify any needed amendments to Street Vending By-law No. 10868 and the Street and Traffic By-law No. 2849 to enable greater flexibility.
- C. THAT breweries that currently hold a lounge endorsement within the City of Vancouver may apply for patio endorsements, aligning with the recommendations and guidelines set out by the Provincial government, and that brewery patio applications will be considered as long as the total patron load including the new patio remains below the current City patron limit for ancillary brewery lounges. Considerations for brewery lounge patios should adhere to similar licensing and permitting fees as restaurants and cafes.
- D. 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;

FURTHER THAT staff report back on possible opportunities to create commons-style eating spaces with additional chairs, benches or tables on public plazas or public spaces, that can enable outdoor eating areas to support different takeout or quick service restaurants and cafes in various neighbourhoods and commercial districts, with consultation with impacted business improvement associations as may be appropriate (recognizing previous Council motions such as Celebrating Italian Culture: Welcome Signage in Little Italy and a Pilot Program for an Italian Piazza in Vancouver as it relates to Commercial Drive).

- E. 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.

referred

REFERRAL MOVED by Councillor De Genova
SECONDED by Councillor Hardwick

THAT the motion entitled "Flexible, Innovative and Expedited Patio Permitting" be referred to the Standing Committee on City Finance and Services meeting on Wednesday, May 13, 2020, in order to hear from speakers.

CARRIED UNANIMOUSLY

3. Working for More Housing Affordability in the Cambie Corridor

MOVED by Councillor Swanson
SECONDED by Councillor Wiebe

WHEREAS

1. The public benefits summary for the rezoning application at 4989 Ash Street points out that a total of 10,740 housing units are complete, under construction, approved or in review in the Cambie Corridor;
2. The summary shows that 71% are condos serving households with incomes mostly over \$100K per year;
3. The summary shows that 20% are purpose built rental serving households with incomes mostly over \$60K per year;
4. The summary shows that 9% or 947 units are social housing;
5. Of the 947 units that are social housing, only 30% or 284 units have to be at HILS (about \$50-80K/year);
6. That means only 3% of the total number of units have to be at HILS even though 50% of renters and 26% of owners in Vancouver have incomes below HILS;
7. The Cambie Corridor Plan says (p. 21) that one purpose of the plan is to "ensure that objectives for affordable housing meet the needs of households with low incomes, seniors, and those with mental illnesses and addictions."; and
8. The housing mix that is playing out in the Corridor is skewed toward people who have more than average income and is excluding low wage workers, seniors, people with low incomes, people with disabilities and people who are homeless.

THEREFORE BE IT RESOLVED THAT Council ask staff to revisit and report back as part of their ongoing work on the affordability of Cambie Corridor Plan housing and public benefit targets, taking into account that the new units that are built, under construction, approved or under review, will not meet the Plan's goals for affordability, as only 3% of them are required to be at HILS rates (approximately \$50-80K), while half of renter households in the city as well as 26% of owner households have incomes below \$50K, and make recommendations for aligning the affordability targets to the real incomes of people in Vancouver who need housing including low wage workers, people who have low incomes, seniors, people with disabilities and people who are homeless.

referred

REFERRAL MOVED by Councillor De Genova
SECONDED by Councillor Bligh

THAT the motion entitled "Working for More Housing Affordability in the Cambie Corridor" be referred to the Standing Committee on City Finance and Services meeting on Wednesday, May 13, 2020, in order to hear from speakers.

CARRIED UNANIMOUSLY

4. **Rescinding Motion to Include C-2 Zones in Rental Housing Stock Official Development Plan - WITHDRAWN**
5. **Reallocation of Road Space to Support Shared Use During Pandemic**

MOVED by Councillor Dominato
SECONDED by Councillor Wiebe

WHEREAS

1. The City of Vancouver declared a local state of emergency on March 19, 2020, in response to the global COVID-19 pandemic;
2. The Province has recommended physical distancing of 2 metres (6 feet) to prevent the spread of COVID-19;
3. The Province has also recommended the public continue to safely enjoy the outdoors, including local parks and public spaces;
4. The Provincial health officer has commented publicly in recent weeks that partial street closures and one way travel/routing can be an effective way to enable physical exercise and safe distancing during the pandemic;
5. Cities across Canada and around the world are undertaking measures to reallocate street space and roadways for pedestrians to safely exercise, access



REPORT TO COUNCIL

STANDING COMMITTEE OF COUNCIL ON CITY FINANCE AND SERVICES

MAY 13, 2020

A meeting of the Standing Committee of Council on City Finance and Services was held on Wednesday, May 13, 2020, at 9:35 am, in the Council Chamber, Third Floor, City Hall. This Council meeting was convened by electronic means as authorized under the *Order of the Minister of Public Safety and Solicitor General of the Province of British Columbia – Emergency Program Act, Ministerial Order No. M139*.

PRESENT:

Councillor Melissa De Genova, Chair
Mayor Kennedy Stewart*
Councillor Rebecca Bligh
Councillor Christine Boyle
Councillor Adriane Carr
Councillor Lisa Dominato
Councillor Pete Fry, Vice-Chair
Councillor Colleen Hardwick
Councillor Sarah Kirby-Yung
Councillor Jean Swanson
Councillor Michael Wiebe

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Rosemary Hagiwara, Acting City Clerk
Tina Hildebrandt, Meeting Coordinator

* Denotes absence for a portion of the meeting

WELCOME

The Chair acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Chair also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

PROCLAMATION – May is Childcare Month

In celebration of May as Child Care and Early Learning Month, the Chair recognized and thanked all of the childcare operators and early childhood educators that play a critical role every day in supporting the success of children and families and, more recently, in helping to mitigate the impacts of the pandemic.

The Chair also extended special gratitude to the childcare operators and educators who have opened their programs to support essential workers during the COVID-19 public health emergency.

1. Presentation: COVID 19 - Mobility and Public Space Responses

Lon LaClaire, General Manager, Engineering Services, Gil Kelley, General Manager, Planning, Urban Design and Sustainability, and Paul Storer, Director of Transportation, Engineering Services, provided a presentation on COVID 19 - Mobility and Public Space Responses and, along with the City Manager and staff from Engineering Services, responded to questions

2. Flexible, Innovative and Expedited Patio Permitting

At the Council meeting on May 12, 2020, Council referred the following motion to the Standing Committee on City Finance and Services meeting on May 13, 2020, in order to hear from speakers.

The Committee heard from four speakers in support of the motion.

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At 11:56 am, during the hearing of speakers, it was

MOVED by Councillor Dominato

THAT the Committee extend the meeting past noon in order to finish hearing from speakers on Item 2.

CARRIED UNANIMOUSLY

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The Committee recessed at 12:01 pm, and reconvened at 3:19 pm.

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MOVED by Councillor Kirby-Yung
THAT the Committee recommend to Council

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 is upon us now. Expedited patio permitting must be turnkey when restaurants are able to reopen to table type service;
7. Some work has begun with staff offering online renewals for patio permits during the COVID-19 crisis;
8. 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;
9. Patios provide the health benefit of fresh air and sunlight;
10. 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, or utilization of curb lane, street, sidewalk and laneway space for extensions where it doesn't impede accessibility, transit, emergency vehicles or traffic;
11. Currently, patio permitting can require a combination of licensing, development permits and permits to enable operations;
12. Currently, craft breweries are not permitted to have patio operations in Vancouver;
13. The City of Vancouver has initiated a street reallocation response that focuses on Room to Queue, Room to Load, and Room to Move during the COVID-19 pandemic. There is opportunity to add Room to Eat to this work, and to re-examine public space use as part of a new post-pandemic world; and
14. Many cities are re-examining the use of public space now to achieve healthier communities. A COVID legacy can be a more vibrant and people focused public realm.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to prepare options and report back as soon as possible to support more flexible patio types (including consideration for pre-detailed designs and formats), utilization of curb lane, street, sidewalk and laneway space for extensions, expedited permitting including applications and renewals, as well as the number of patios allowed, in order to support the economic recovery and safe operations of Vancouver's restaurant sector in the context of COVID-19.

- B. THAT such options outlined in A above identify any needed amendments to Street Vending By-law No. 10868 and the Street and Traffic By-law No. 2849 to enable greater flexibility.
- C. THAT breweries that currently hold a lounge endorsement within the City of Vancouver may apply for patio endorsements, aligning with the recommendations and guidelines set out by the Provincial government, and that brewery patio applications will be considered as long as the total patron load including the new patio remains below the current City patron limit for ancillary brewery lounges. Considerations for brewery lounge patios should adhere to similar licensing and permitting fees as restaurants and cafes.
- D. 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;

FURTHER THAT staff report back on possible opportunities to create common-style eating spaces with additional chairs, benches or tables on public plazas or public spaces, that can enable outdoor eating areas to support different takeout or quick service restaurants and cafes in various neighbourhoods and commercial districts, with consultation with impacted business improvement associations as may be appropriate (recognizing previous Council motions such as Celebrating Italian Culture: Welcome Signage in Little Italy and a Pilot Program for an Italian Piazza in Vancouver as it relates to Commercial Drive).

- E. 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.

amended

During debate on Item 2, Councillor De Genova relinquished the Chair to Councillor Fry, in order to participate and resumed as Chair when completed.

AMENDMENT MOVED by Councillor Wiebe

THAT A of the motion be amended as follows:

- insert the words "work directly with business operators to identify immediate patio seating options that would move indoor seating capacity outdoors to improve physical distancing", after the words "direct staff to";
- delete the words "prepare options and report back as soon as possible to support more flexible patio types"; and
- insert the words "temporary outdoor seating guidelines" after the words "consideration for";

FURTHER THAT B be struck and that C, D and E be updated alphabetically.

CARRIED UNANIMOUSLY (Vote No. 05867)

AMENDMENT MOVED by Councillor Boyle

THAT A be amended to insert the words "that are designed with the needs of those who use wheelchairs, mobility scooters and other mobility devices in mind and that ensure safe and accessible paths of travel are maintained", after the word "formats";

FURTHER THAT the second paragraph of D in the original motion, be amended to insert the words "ensuring they are accessible to those who use wheelchairs, mobility scooters and other mobility devices, and" after the words "commercial districts".

CARRIED UNANIMOUSLY (Vote No. 05868)
(Mayor Stewart absent for the vote)

AMENDMENT MOVED by Councillor Fry

THAT the following be added as E and F:

- E. THAT Council approve in principle the prioritization of additional staff and budget resources to support the allocation of flexible, innovated and expedited patio space, and direct staff to seek out cost recovery opportunities where possible and where reallocation of public space may be for private use.
- F. THAT Council direct staff to consult with Vancouver Coastal Health, City Engineering, and Emergency Operations Centre to determine best practices to safely allow patio spaces while considering best practices around safe physical distancing as well as access to ancillary and public spaces for all ages and abilities.

carried

AMENDMENT TO THE AMENDMENT MOVED by Councillor Kirby-Yung

THAT the amendment be amended to strike E.

out of order

The Chair ruled the amendment to strike E out of order as the same result could be achieved by voting in opposition.

The amendment to strike E having been ruled out of order, the amendment was put. The Committee agreed to sever the components of the amendment for the vote.

- E. THAT Council approve in principle the prioritization of additional staff and budget resources to support the allocation of flexible, innovated and expedited patio space, and direct staff to seek out cost recovery opportunities where possible and where reallocation of public space may be for private use.

CARRIED (Vote No. 05869)
(Councillors Bligh, De Genova, Dominato, Kirby-Yung and Hardwick opposed)

- F. THAT Council direct staff to consult with Vancouver Coastal Health, City Engineering, and Emergency Operations Centre to determine best practices to safely allow patio spaces while considering best practices around safe physical distancing as well as access to ancillary and public spaces for all ages and abilities.

CARRIED (Vote No. 05870)
(Councillor Kirby-Yung opposed)

AMENDMENT MOVED by Swanson

THAT the following be added as G:

- G. THAT staff look at ways to expand public access to public spaces for people who don't have the money to spend in restaurants, and ensure that there are safe spaces outdoors for members of the public to sit even if they don't spend any money, and that public spaces that are opened for use by restaurant patrons also be available for use by people who are not spending money in restaurants.

CARRIED UNANIMOUSLY (Vote No. 05871) (*reconsidered*)
(Councillor Bligh abstained from the vote)

Subsequently, later in the proceedings, G was reconsidered.

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At 5 pm, during debate, it was

MOVED by Councillor Carr

THAT the Committee extend the meeting past 5 pm in order to complete the business.

CARRIED UNANIMOUSLY

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The Committee recessed at 5:01 pm and reconvened at 6:05 pm.

* * * * *

AMENDMENT MOVED by Councillor Kirby-Yung

THAT the following be added as H:

- H. THAT the Mayor write to the Premier and Attorney General David Eby on behalf of Vancouver City Council, applauding the Province's announced move to allow BC restaurants to purchase liquor at wholesale prices, and to expedite provincial approvals for expanded outdoor liquor service and that the letter cite Council's support for flexibility in the adjustment of regulations, in order to enable expedited outdoor dining in support of public health and economic recovery for BC's Restart Plan.

CARRIED UNANIMOUSLY (Vote No. 05872)

The amendments having carried, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 05873).

* * * * *

During debate on Item 4, the Committee laid the pending business on the table, in order to deal with an urgent legal issue in Item 2, regarding language included in the motion.

Note: for ease of reference, the minutes are recorded in numerical order.

* * * * *

RECONSIDERATION MOVED by Councillor Kirby-Yung

THAT the Committee reconsider G of the motion in order to address a legal matter in regard to language.

CARRIED UNANIMOUSLY (Vote No. 05887)

AMENDMENT MOVED by Councillor Kirby-Yung

THAT G be amended to strike the words "public spaces that are opened for use by restaurant patrons also be available for use by people who are not spending money in restaurants".

CARRIED UNANIMOUSLY (Vote No. 05888)
(Councillor Fry abstained from the vote)

The amendment having carried unanimously, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 05889) with Councillor Fry abstaining from the vote.

FINAL MOTION AS APPROVED

THAT the Committee recommend to Council

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 is upon us now. Expedited patio permitting must be turnkey when restaurants are able to reopen to table type service;
7. Some work has begun with staff offering online renewals for patio permits during the COVID-19 crisis;
8. 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;
9. Patios provide the health benefit of fresh air and sunlight;
10. 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, or utilization of curb lane, street, sidewalk and laneway space for extensions where it doesn't impede accessibility, transit, emergency vehicles or traffic;
11. Currently, patio permitting can require a combination of licensing, development permits and permits to enable operations;
12. Currently, craft breweries are not permitted to have patio operations in Vancouver;
13. The City of Vancouver has initiated a street reallocation response that focuses on Room to Queue, Room to Load, and Room to Move during the COVID-19 pandemic. There is opportunity to add Room to Eat to this work, and to re-examine public space use as part of a new post-pandemic world; and
14. Many cities are re-examining the use of public space now to achieve healthier communities. A COVID legacy can be a more vibrant and people focused public realm.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff work directly with business operators to identify immediate patio seating options that would move indoor seating capacity outdoors to improve physical distancing (including consideration for temporary outdoor seating guidelines, pre-detailed designs and formats that are designed with the needs of those who use wheelchairs, mobility scooters and other mobility devices in mind and that ensure safe and accessible paths of travel are maintained), utilization of curb lane, street, sidewalk and laneway space for extensions, expedited permitting including applications and renewals, as well as the number of patios allowed, in order to support the economic recovery and safe operations of Vancouver's restaurant sector in the context of COVID-19.
- B. THAT breweries that currently hold a lounge endorsement within the City of Vancouver may apply for patio endorsements, aligning with the recommendations and guidelines set out by the Provincial government, and that brewery patio applications will be considered as long as the total patron load including the new patio remains below the current City patron limit for ancillary brewery lounges. Considerations for brewery lounge patios should adhere to similar licensing and permitting fees as restaurants and cafes.
- C. 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;

FURTHER THAT staff report back on possible opportunities to create common-style eating spaces with additional chairs, benches or tables on public plazas or public spaces, that can enable outdoor eating areas to support different takeout or quick service restaurants and cafes in various neighbourhoods and commercial districts, ensuring they are accessible to those who use wheelchairs, mobility scooters and other mobility devices, and with consultation with impacted Business Improvement Associations as may be appropriate (recognizing previous Council motions such as Celebrating Italian Culture: Welcome Signage in Little Italy and a Pilot Program for an Italian Piazza in Vancouver as it relates to Commercial Drive).

- D. THAT the motion entitled "Flexible, Innovative and Expedited Patio Permitting", 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.
- E. THAT Council approve in principle the prioritization of additional staff and budget resources to support the allocation of flexible, innovated and expedited patio space, and direct staff to seek out cost recovery opportunities where possible and where reallocation of public space may be for private use.
- F. THAT Council direct staff to consult with Vancouver Coast Health, City Engineering, and Emergency Operations Centre to determine best practices to safely allow patio spaces while considering best practices around safe physical distancing as well as access to ancillary and public spaces for all ages and abilities.

- G. THAT staff look at ways to expand public access to public spaces for people who don't have the money to spend in restaurants, and ensure that there are safe spaces outdoors for members of the public to sit even if they don't spend any money.
- H. THAT the Mayor write to the Premier and Attorney General David Eby on behalf of Vancouver City Council, applauding the Province's announced move to allow BC restaurants to purchase liquor at wholesale prices, and to expedite provincial approvals for expanded outdoor liquor service and that the letter cite Council's support for flexibility in the adjustment of regulations, in order to enable expedited outdoor dining in support of public health and economic recovery for BC's Restart Plan.

3. Working for More Housing Affordability in the Cambie Corridor

At the Council meeting on May 12, 2020, Council referred the following motion to the Standing Committee on City Finance and Services meeting on May 13, 2020, in order to hear from speakers.

The Committee heard from one speaker in support.

MOVED by Councillor Swanson

THAT the Committee recommend to Council

WHEREAS

1. The public benefits summary for the rezoning application at 4989 Ash Street points out that a total of 10,740 housing units are complete, under construction, approved or in review in the Cambie Corridor;
2. The summary shows that 71% are condos serving households with incomes mostly over \$100K per year;
3. The summary shows that 20% are purpose built rental serving households with incomes mostly over \$60K per year;
4. The summary shows that 9% or 947 units are social housing;
5. Of the 947 units that are social housing, only 30% or 284 units have to be at HILS (about \$50-80K/year);
6. That means only 3% of the total number of units have to be at HILS even though 50% of renters and 26% of owners in Vancouver have incomes below HILs;
7. The Cambie Corridor Plan says (p. 21) that one purpose of the plan is to "ensure that objectives for affordable housing meet the needs of households with low incomes, seniors, and those with mental illnesses and addictions."; and

8. The housing mix that is playing out in the Corridor is skewed toward people who have more than average income and is excluding low wage workers, seniors, people with low incomes, people with disabilities and people who are homeless.

THEREFORE BE IT RESOLVED THAT Council ask staff to revisit and report back as part of their ongoing work on the affordability of Cambie Corridor Plan housing and public benefit targets, taking into account that the new units that are built, under construction, approved or under review, will not meet the Plan's goals for affordability, as only 3% of them are required to be at HILS rates (approximately \$50-80K), while half of renter households in the city as well as 26% of owner households have incomes below \$50K, and make recommendations for aligning the affordability targets to the real incomes of people in Vancouver who need housing including low wage workers, people who have low incomes, seniors, people with disabilities and people who are homeless.

amended

AMENDMENT MOVED by Councillor Dominato

THAT the motion be amended to strike the words "revisit and".

CARRIED UNANIMOUSLY (Vote No. 05874)

The amendment having carried unanimously, the motion as amended was put and CARRIED UNANIMOUSLY (Vote No. 05875)

FINAL MOTION AS APPROVED

THAT the Committee recommend to Council

WHEREAS

1. The public benefits summary for the rezoning application at 4989 Ash Street points out that a total of 10,740 housing units are complete, under construction, approved or in review in the Cambie Corridor;
2. The summary shows that 71% are condos serving households with incomes mostly over \$100K per year;
3. The summary shows that 20% are purpose built rental serving households with incomes mostly over \$60K per year;
4. The summary shows that 9% or 947 units are social housing;
5. Of the 947 units that are social housing, only 30% or 284 units have to be at HILS (about \$50-80K/year);
6. That means only 3% of the total number of units have to be at Housing Income Limits (HILs) even though 50% of renters and 26% of owners in Vancouver have incomes below HILs;

7. The Cambie Corridor Plan (p. 21) says that one purpose of the plan is to “ensure that objectives for affordable housing meet the needs of households with low incomes, seniors, and those with mental illnesses and addictions.”; and
8. The housing mix that is playing out in the Corridor is skewed toward people who have more than average income and is excluding low wage workers, seniors, people with low incomes, people with disabilities and people who are homeless.

THEREFORE BE IT RESOLVED THAT Council ask staff to report back as part of their ongoing work on the affordability of Cambie Corridor Plan housing and public benefit targets, taking into account that the new units that are built, under construction, approved or under review, will not meet the Plan's goals for affordability, as only 3% of them are required to be at Housing Income Limits (HILs) rates (approximately \$50-80K), while half of renter households in the city as well as 26% of owner households have incomes below \$50K, and make recommendations for aligning the affordability targets to the real incomes of people in Vancouver who need housing including low wage workers, people who have low incomes, seniors, people with disabilities and people who are homeless.

4. Reallocation of Road Space to Support Shared Use During Pandemic

At the Council meeting on May 12, 2020, Council referred the following motion to the Standing Committee on City Finance and Services meeting on May 13, 2020, in order to hear from speakers.

The Committee heard from five speakers in support of the motion, one speaker who expressed concerns with closing the 300 and 400 blocks of Carroll Street, and one speaker who felt the proposed road closures were not ambitious enough.

MOVED by Councillor Dominato
THAT the Committee recommend to Council

WHEREAS

1. The City of Vancouver declared a local state of emergency on March 19, 2020, in response to the global COVID-19 pandemic;
2. The Province has recommended physical distancing of 2 metres (6 feet) to prevent the spread of COVID-19;
3. The Province has also recommended the public continue to safely enjoy the outdoors, including local parks and public spaces;
4. The Provincial health officer has commented publicly in recent weeks that partial street closures and one way travel/routing can be an effective way to enable physical exercise and safe distancing during the pandemic;
5. Cities across Canada and around the world are undertaking measures to reallocate street space and roadways for pedestrians to safely exercise, access businesses and employment, while maintaining a safe distance due to the current pandemic;

6. Vancouver City Council has previously endorsed motions to support slower residential streets and encourage safer shared use;
7. The City of Vancouver and Park Board recently identified congestion in and around Stanley Park, and subsequently closed the Stanley Park roadway to cars and one lane along Beach Avenue to enable safe physical distancing during the COVID19 pandemic;
8. The City of Vancouver has initiated a street reallocation initiative that focuses on Room to Queue, Room to Load, and Room to Move during the COVID-19 pandemic; and
9. The ongoing pandemic necessitates that the City reallocate road space on an urgent basis now and develop plans for mobility and space use as part of our post-COVID-19 recovery and new economy.

THEREFORE BE IT RESOLVED THAT Council direct staff to expedite efforts to identify and implement appropriate reallocations of road space, such as high use greenways and streets adjacent to parks where space could be reallocated temporarily to enable safe shared use (pedestrians, cyclists, motor vehicles) and support safe physical distancing during the COVID-19 pandemic response;

FURTHER THAT Council direct staff to communicate information to the public and businesses regarding the suite of street measures available to the City for reallocating space to support access to local businesses, to support loading and curbside pick-up, and to support physical activity and distancing in neighbourhoods across the city;

AND FURTHER THAT Council direct staff to report back to Council in fall 2020 on refined options for mobility and public realm use as part of the post COVID-19 recovery and new economy.

amended

AMENDMENT MOVED by Councillor Swanson

THAT the following be added as B, C, D and E:

- B. THAT the City close streets in the Downtown Eastside (DTES) to facilitate physical distancing in the busiest areas such as: E. Hastings Street from Main Street to Carrall Street, Carrall Street from E. Cordova Street to E. Hastings Street, and E. Hastings Street from Gore Avenue to Main Street.
- C. THAT street closures and physical distancing are maintained and monitored through peer support.
- D. THAT blocks used by street-based sex workers such as E. Hastings Street from Gore Avenue to Hawks Avenue remain open or partially open as these workers already face serious financial hardship and increasing danger during the pandemic.

lost

- E. THAT City of Vancouver staff consult with Downtown Eastside (DTES) service providers to create a plan for DTES street closures and management in the interests of the community, while allowing access for transit and first responders.

amended

During debate, the City Manager responded to questions in relation to the above amendment.

AMENDMENT TO THE AMENDMENT MOVED by Councillor Fry

THAT E be amended as follows:

- insert the words "residents and businesses" after the words "service providers"; and
- strike the words "closures and".

CARRIED (Vote No. 05876)

(Councillor Swanson and Mayor Stewart opposed)

The amendment to the amendment having carried, the amendment as amended was put. The Committee agreed to sever the components of the amendment for the vote.

- B. THAT the city close streets in the DTES to facilitate physical distancing in the busiest areas such as: E. Hastings Street from Main Street to Carrall Street, Carrall Street from E. Cordova Street to E. Hastings Street, and E. Hastings Street from Gore Avenue to Main Street.

LOST (Vote No. 05877)

(Councillors Bligh, Carr, De Genova, Dominato, Fry, Kirby-Yung, Hardwick, Wiebe and Mayor Stewart opposed)

(Councillor Boyle abstained from the vote)

- C. THAT street closures and physical distancing are maintained and monitored through peer support.

LOST (Vote No. 05879)

(Councillors Bligh, Carr, De Genova, Dominato, Fry, Kirby-Yung, Hardwick, Wiebe and Mayor Stewart opposed)

(Councillor Boyle abstained from the vote)

- D. THAT blocks used by street-based sex workers such as E. Hastings Street from Gore Avenue to Hawks Avenue remain open or partially open as these workers already face serious financial hardship and increasing danger during the pandemic.

LOST (Vote No. 05881)

(Councillors Bligh, Carr, De Genova, Fry, Kirby-Yung and Mayor Stewart opposed)

(Councillor Dominato and Hardwick abstained from the vote)

- E. THAT City staff consult with Downtown Eastside (DTES) service providers, residents and businesses to create a plan for DTES street management in the interests of the community, while allowing access for transit and first responders.

CARRIED UNANIMOUSLY (Vote No. 05882)

AMENDMENT MOVED by Councillor Carr

THAT the following be added as F:

- F. THAT Council direct staff to continue with public consultation, including through the Vancouver Plan, to aid in identifying appropriate reallocations of road space to people-focused public space throughout the city, and consider changes that could become longer term or possibly permanent.

CARRIED (Vote No. 05883)
(Councillor De Genova opposed)
(Councillor Hardwick abstained from the vote)

* * * * *

The Committee recessed at 8:48 pm and reconvened at 9 pm.

* * * * *

During debate on Item 4, Councillor De Genova relinquished the Chair to Councillor Fry, in order to participate and resumed as Chair when completed.

AMENDMENT MOVED by Councillor Dominato

THAT the first paragraph of the original motion (A) be amended to insert the words "to take immediate steps" after the words "direct staff".

CARRIED (Vote No. 05884)
(Councillor De Genova opposed)

AMENDMENT MOVED by Councillor Fry

THAT the following be added as G and H:

- G. THAT Council approve in principle the prioritization of additional staff and budget resources to support the reallocation of road space, and direct staff to seek out cost recovery opportunities where possible and where reallocation of road space may be for private use.

carried

- H. THAT Council request the General Manager of Engineering write to the Provincial Ministry of Transportation and Infrastructure to reiterate the City of Vancouver's request to implement blanket city speed limits, and that this letter contain an overview of comparable cities with reduced residential road speed limits (ie Seattle, Portland) and their ability to

respond to pandemic and support public realm in a timely and cost-effective manner.

withdrawn

The Chair ruled H of the amendment out of order because it relates to work already underway or has been completed.

Councillor Fry challenged the ruling of the Chair.

MOVED by Councillor Fry

THAT the Committee challenge the Chair's ruling.

withdrawn

Subsequently, following clarification on the Chair's ruling, it was

WITHDRAWAL MOVED by Councillor Fry

THAT the Committee withdraw the challenge to the Chair's ruling.

CARRIED UNANIMOUSLY

Councillor Fry also withdrew H of the amendment with the Committee's consent.

H of the amendment having been withdrawn, G of the amendment was put and CARRIED with Councillor Kirby-Yung opposed and Councillors Bligh, Dominato, De Genova and Hardwick abstaining from the vote. (Vote No. 05885).

* * * * *

During debate, it was

MOVED by Councillor Kirby-Yung

THAT the Committee lay the pending business on the table in order to deal with urgent business in relation to the motion in Item 2.

CARRIED UNANIMOUSLY (Vote No. 05886)

NOTE: for ease of reference, the minutes are recorded in numerical order.

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Following the completion of Item 2, it was

MOVED by Councillor Hardwick

THAT the Committee continue with debate on Item 4.

CARRIED UNANIMOUSLY

* * * * *

At 9:54 pm, it was

MOVED by Councillor Kirby-Yung

THAT, under Part 2.8(c) of the Procedure By-law, Council extend the meeting by an hour or less in order to complete debate and decision on Item 4.

LOST HAVING NOT

RECEIVED THE REQUIRED MAJORITY (Vote No. 05890)

(Councillors Boyle and Hardwick opposed)

(Councillor Fry abstained from the vote)

The Committee ended at 10 pm.

* * * * *

NOTE:

- *As the motion to extend the meeting past 10 pm was lost, the following items will be considered at the Standing Committee on Policy and Strategic Priorities meeting on May 27, 2020:*
 4. *Reallocation of Road Space to Support Shared Use During Pandemic*
 5. *Recalibrating the Housing Vancouver Strategy post COVID-19*
- *As Council did not convene the Council meeting to adopt the actions and recommendations from the Standing Committee, the following items will be considered at the Council meeting on May 26, 2020, as Unfinished Business:*
 1. *Presentation: COVID 19 - Mobility and Public Space Responses*
 2. *Flexible, Innovative and Expedited Patio Permitting*
 3. *Working for More Housing Affordability in the Cambie Corridor*

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NOTICE OF MEETING

STANDING COMMITTEE OF COUNCIL ON POLICY AND STRATEGIC PRIORITIES

AGENDA

DATE: Wednesday, May 27, 2020

TIME: 9:30 am

PLACE: Council Chamber
Third Floor, City Hall

PLEASE NOTE:

- *Members of the public may attend at the Council Chamber in City Hall to hear the meeting proceeding, but are strongly urged to listen to the proceedings via the City's website.*
- *Health protocols associated with COVID-19 will be observed for all members of the public and any speakers in attendance.*
- *Requests to speak must be received prior to 8:30 am on the day of the meeting however, speakers are encouraged to submit comments to <http://vancouver.ca/contact-council> in lieu of attending in person.*
- *Speak to Council about an agenda item at <http://vancouver.ca/speak-to-council>.*
- *Send your comments to Council at <http://vancouver.ca/contact-council>.*
- *Get live updates on the meeting at <http://vancouver.ca/speaker-wait-times>.*
- *Watch the meeting live at <http://vancouver.ca/council-video>.*
- *Ask a question about this agenda: email speaker.request@vancouver.ca or call 604.829.4272.*

ROLL CALL

MATTERS ADOPTED ON CONSENT

AGENDA ITEMS

1. Development and Permit Process Improvements

Jessie Adcock, General Manager, Development, Buildings and Licensing along with Gil Kelley, General Manager, Planning, Urban Design and Sustainability, and Lon LaClaire, General Manager, Engineering, to present on the above item.

- PRESENTATION – Development and Permit Process Improvements**
- Regulation Redesign – Amendments to Zoning & Development and parking By-laws**

Note: As the presentation is for information and the report is a referral to Public Hearing, no speakers will be heard on items 1a or 1b.



**NOTICE OF MEETING
SPECIAL COUNCIL MEETING**

AGENDA

DATE: Wednesday, May 27, 2020
TIME: 6 pm
PLACE: Council Chamber
Third Floor, City Hall

PLEASE NOTE:

- *This is a Special Council meeting called by the Mayor under Section 14.5 of the Procedure By-law to consider reports recommending new licensing requirements and fee structure for temporary patios, as part of our COVID-19 response to support local business and community.*
- *This Special Council meeting is to be convened by electronic means as authorized by Part 14 of the Procedure By-law and the Vancouver Charter.*
- *Members of the public may attend at the Council Chamber in City Hall to hear the meeting proceeding, but are strongly urged to listen to the proceedings via the City's website or follow along on Twitter @VanCityClerk.*
- *Health protocols associated with COVID-19 will be observed for all members of the public in attendance.*
- *Watch the meeting live at <http://vancouver.ca/council-video>.*
- *Ask a question about this agenda: email speaker.request@vancouver.ca or call 604.829.4272.*
- *Speakers will not be heard at this meeting.*

ROLL CALL

1. Temporary Patio Program

Jessie Adcock, General Manager, Development, Building and Licensing, and Kathryn Holm, Chief Licence Inspector and Director of Licensing and Community Standards, along with Margaret Wittgens, Acting Deputy General Manager of Engineering, to present on Reports a) and b) below, both dated May 25, 2020.

- a) **Enabling Temporary Expansion of Liquor Primary and Manufacturer Liquor Service Areas**
- b) **Fees for Temporary Patios During COVID-19 Recovery**

* * * * *

2. Enabling Mass Timber Construction

3. Reallocation of Road Space to Support Shared Use During Pandemic

At the Council meeting on May 12, 2020, Council referred the above-noted motion to the Standing Committee on City Finance and Services meeting on May 13, 2020, in order to hear from speakers. Subsequently, due to time constraints, the motion was deferred to the Standing Committee on Policy and Strategic Priorities meeting on May 27, 2020 for the Committee to continue debate and decision.

4. Recalibrating the Housing Vancouver Strategy post COVID-19

At the Council meeting on May 12, 2020, Council referred the above-noted motion to the Standing Committee on City Finance and Services meeting on May 13, 2020, in order to hear from speakers. Subsequently, due to time constraints, the motion was deferred to the Standing Committee on Policy and Strategic Priorities meeting on May 27, 2020 to hear from speakers, and for the Committee to engage in debate and decision.

REFERRED ITEMS

At the Council meeting on May 26, 2020, Council referred the following motions to the Standing Committee on Policy and Strategic Priorities meeting on May 27, 2020, in order to hear from speakers.

- 5. Enhancing COVID-19 Revenue Streams for Smaller Unlicensed Restaurants and Cafes via Temporary Liquor Licensing**
- 6. Allowing Responsible Alcohol Consumption in Vancouver Parks and Beaches**
- 7. Designating Public Space for Responsible Consumption of Alcohol**
- 8. Defining Social Housing Consistently and Transparently in the City of Vancouver**
- 9. Short Term Landlords – Long Term Protections for Renters and Hotel**

* * * * *

NOTICE

A Council meeting will be convened immediately following the Standing Committee meeting.

COUNCIL MEETING

AGENDA

ROLL CALL

REPORTS OF COMMITTEES

1. **Standing Committee of Council on Policy and Strategic Priorities
Wednesday, May 27, 2020**

Approval of recommendations and actions.

UNFINISHED BUSINESS

1. **REZONING: 2776 Semlin Dr and 2025 East 12th Avenue**

At the Public Hearing on May 26, 2020, Council heard from speakers for the above-noted application and referred debate and decision as Unfinished Business to the Council portion following the Standing Committee on Policy and Strategic Priorities meeting on May 27, 2020.

URGENT BUSINESS

1. **Adoption of the CCRC minutes from May 22, 2020**



SPECIAL COUNCIL MEETING MINUTES

MAY 27, 2020

A Special Meeting of the Council of the City of Vancouver was held on Wednesday, May 27, 2020, at 6:20 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of considering reports recommending new licensing requirements and fee structure for temporary patios, as part of the City's COVID-19 response to support local businesses and community.

PRESENT:

Mayor Kennedy Stewart
Councillor Rebecca Bligh
Councillor Christine Boyle
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Lisa Dominato
Councillor Pete Fry
Councillor Colleen Hardwick
Councillor Sarah Kirby-Yung
Councillor Jean Swanson
Councillor Michael Wiebe

CITY MANAGER'S OFFICE:

Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager

CITY CLERK'S OFFICE:

Rosemary Hagiwara, Acting City Clerk
Denise Swanston, Meeting Coordinator

WELCOME

The Mayor acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Mayor also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

1. Temporary Patio Program

Sadhu Johnston, City Manager, provided an introduction to the item, and Jessie Adcock, General Manager, Development, Building and Licensing, along with Kathryn Holm, Chief Licence Inspector and Director of Licensing and Community Standards, and Margaret Wittgens, Acting Deputy General Manager of Engineering, presented on Reports 1a) and 1b), both dated May 25, 2020, and responded to questions.

a) Enabling Temporary Expansion of Liquor Primary and Manufacturer Liquor Service Areas

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Wiebe

- A. THAT Council instruct the Chief Licence Inspector to inform the General Manager of the Liquor and Cannabis Regulation Branch in writing that Council pre-approves all liquor primary and manufacturer establishments in the City of Vancouver who may apply for expanded liquor service area before October 31, 2020.
- B. THAT Council approve in principle an amendment to the Licence By-law No. 4450 to temporarily waive the "fee for assessing and providing comments on an application for a temporary amendment to a liquor licence requesting any other change to a liquor licence" when the application is for an expanded service area, until October 31, 2020;

FURTHER THAT the Director of Legal Services bring forward for enactment the necessary amendments to the Licence By-law No. 4450.

CARRIED UNANIMOUSLY (Vote No. 05977)

b) Fees for Temporary Patios During COVID-19 Recovery

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Wiebe

THAT Council approve in principle by-law amendments to temporarily waive all permit and application fees associated with temporary expansion of patio spaces until October 31, 2020;

FURTHER THAT the Director of Legal Services bring forward for enactment such by-law amendments as are necessary to implement the above resolution.

CARRIED UNANIMOUSLY (Vote No. 05978)

ADJOURNMENT

MOVED by Councillor De Genova
SECONDED by Councillor Wiebe

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council adjourned at 6:58 pm.

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SPECIAL COUNCIL MEETING MINUTES

JUNE 11, 2020

A Special Meeting of the Council of the City of Vancouver was held on Thursday, June 11, 2020, at 3:32 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of considering supporting small business recovery by enabling restaurants, wineries, distilleries and breweries to access temporary outdoor patios on private property, waiving permit fees for temporary patios and by enabling increased capacity at liquor primary establishments. This Special Council meeting was convened by electronic means as authorized under Part 14 of the *Procedure By-law* and the *Vancouver Charter*.

PRESENT:

Mayor Kennedy Stewart
Councillor Rebecca Bligh
Councillor Christine Boyle
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Lisa Dominato
Councillor Pete Fry
Councillor Colleen Hardwick
Councillor Sarah Kirby-Yung
Councillor Jean Swanson
Councillor Michael Wiebe*

CITY MANAGER'S OFFICE:

Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager

CITY CLERK'S OFFICE:

Tina Penney, Deputy City Clerk
Denise Swanston, Meeting Coordinator

WELCOME

The Mayor acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Mayor also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

**1. Zoning and Development By-law Amendments to Temporarily Allow Patios on Private Property for Businesses
June 9, 2020**

At 3:35 pm Councillor Wiebe declared a conflict of interest on items 1 through 4, as he is part owner of a liquor primary establishment with a private patio. Councillor Wiebe left the meeting at 3:36 pm and did not return for the remainder of the meeting.

Jessie Adcock, General Manager, Development, Building & Licensing, along with Margaret Wittgens, Deputy General Manager, Engineering, and Chris Robertson, Assistant Director, City-wide and Regional Planning, presented Zoning and Development By-law Amendments to Temporarily Allow Patios on Private Property for Businesses. Following the presentation the staff team along with staff from Legal Services and the City Manager, responded to questions.

MOVED by Councillor Kirby-Yung
SECONDED by Councillor De Genova

- A. THAT the General Manager of Planning, Urban Design & Sustainability be instructed to make application to amend the Zoning and Development By-Law to temporarily allow for uses to be carried on outside of a completely enclosed building until October 31, 2020, generally in accordance with Appendix A of the Referral Report dated June 9, 2020, entitled "Zoning and Development By-law Amendments to Temporarily Allow Patios on Private Property for Businesses".
- B. THAT the application be referred to a Public Hearing.
- C. THAT the Director of Legal Services be instructed to prepare the necessary amending By-law, generally in accordance with Appendix A of the Referral Report dated June 9, 2020, entitled "Zoning and Development By-law Amendments to Temporarily Allow Patios on Private Property for Businesses", for consideration at Public Hearing.

CARRIED UNANIMOUSLY (Vote No. 06074)
(Councillor Wiebe absent for the vote due to conflict of interest)

2. A By-law to Amend Street Vending By-law No. 10868 Regarding Amendment to Patio Definitions

MOVED by Councillor De Genova
SECONDED by Councillor Kirby-Yung

THAT Council enacts the by-laws listed on the agenda for this meeting as items 2 and 3, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY (Vote No. 06075)
(Councillor Wiebe absent for the vote due to conflict of interest)

A By-law to amend Street Vending By-law No. 10868 Regarding Amendment to Patio Definitions (By-law No. 12713)

3. A By-law to Enact Temporary Patio and Street Vending Fees

MOVED by Councillor De Genova
SECONDED by Councillor Kirby-Yung

THAT Council enacts the by-laws listed on the agenda for this meeting as items 2 and 3, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY (Vote No. 06075)
(Councillor Wiebe absent for the vote due to conflict of interest)

A By-law to enact Temporary Patio and Street Vending Fees (By-law No. 12714)

4. Motion: Expanding Occupant Load Capacity of Liquor Primary Establishments and Other Assembly Uses to Support COVID Economic Recovery

Council heard from three speakers in support of the motion.

MOVED by Mayor Stewart
SECONDED by Councillor Kirby-Yung

THAT Council direct staff to prepare necessary Fire by-law amendments to enable Liquor Primary establishments and other assembly uses to expand their occupant load capacity, to align with Provincial building and fire code requirements.

CARRIED UNANIMOUSLY (Vote No. 06078)
(Councillor Wiebe absent for the vote due to conflict of interest)

ADJOURNMENT

MOVED by Councillor Hardwick
SECONDED by Councillor De Genova

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council meeting adjourned at 4:38 pm.

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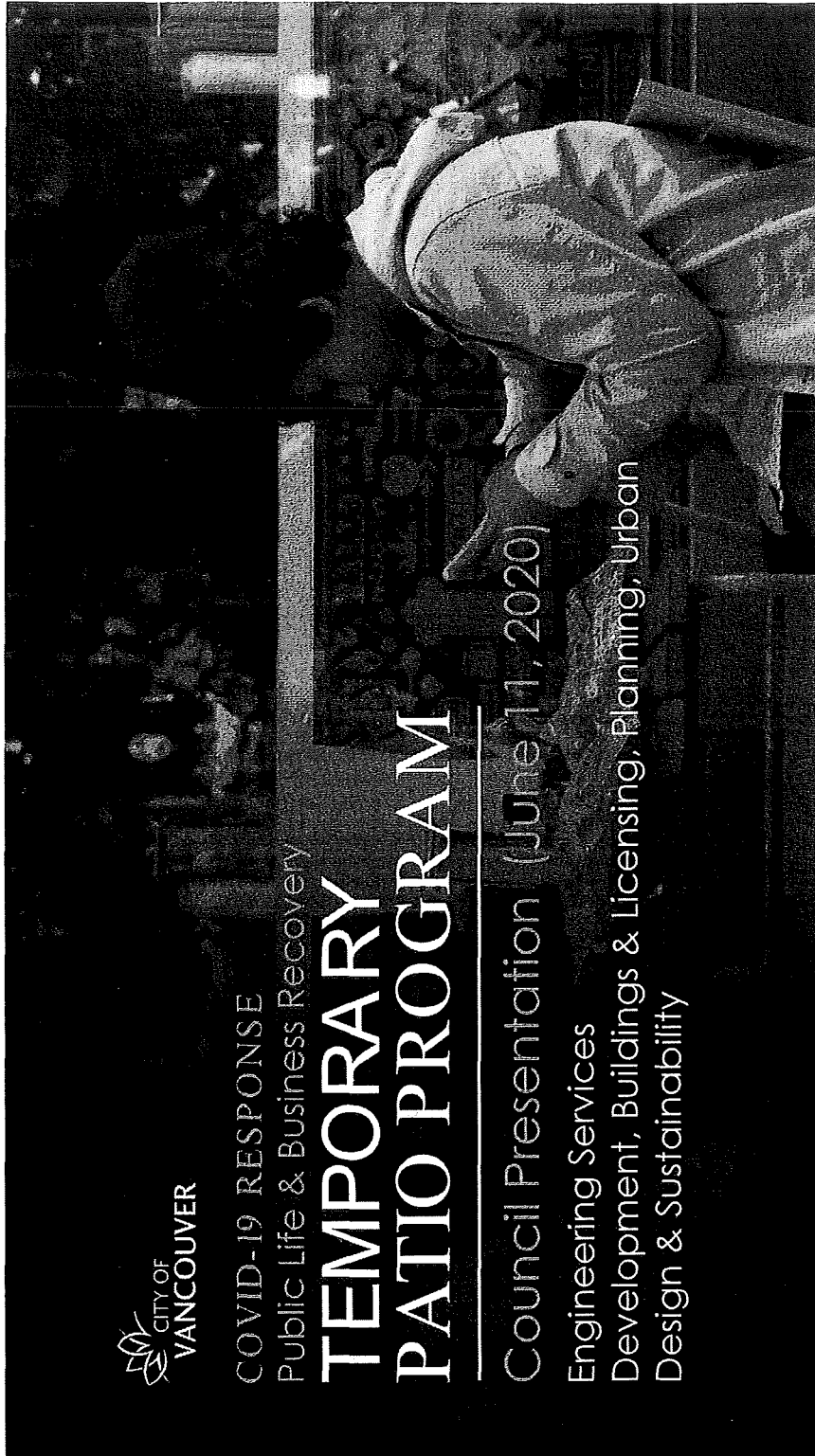


COVID-19 RESPONSE
Public Life & Business Recovery

TEMPORARY PATIO PROGRAM

Council Presentation (June 11, 2020)

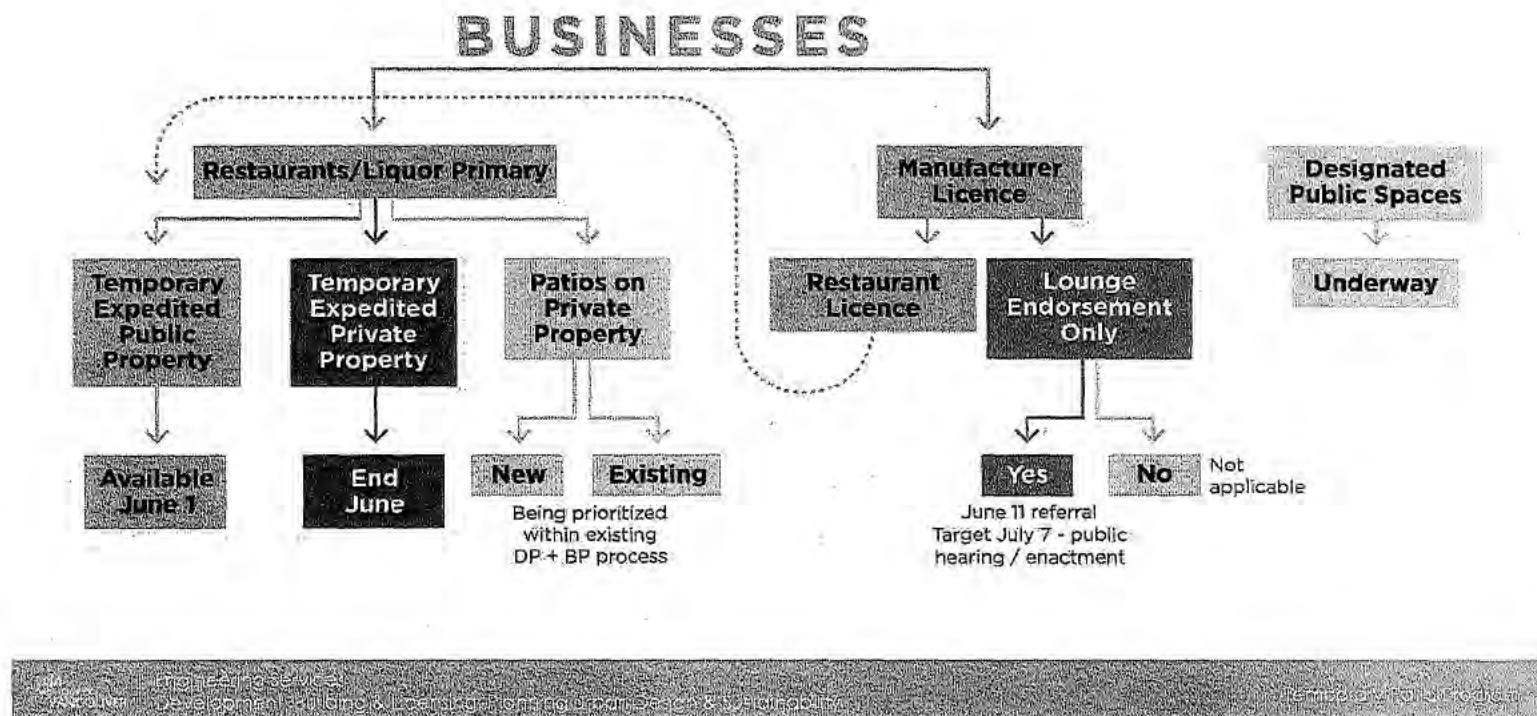
Engineering Services
Development, Buildings & Licensing, Planning, Urban
Design & Sustainability



Agenda

1. Context for Reports (Jessie Adcock)
 - a. Overview of the Temporary Patio Program and Roadmap (Jessie Adcock)
 - b. Public Health Order Update (Jessie Adcock)
2. Bylaw to waive Fees for Temporary Patios during COVID recovery (Margaret Wittgens)
3. Minor amendment to street vending bylaw (Margaret Wittgens)
4. Referral Report: Zoning and Development Bylaw Amendments to Temporarily Allow Patios for Businesses on Private Property (Chris Robertson)

Context | Overview



Update | Provincial Health Officer Order to Food Service Establishments and Liquor Services

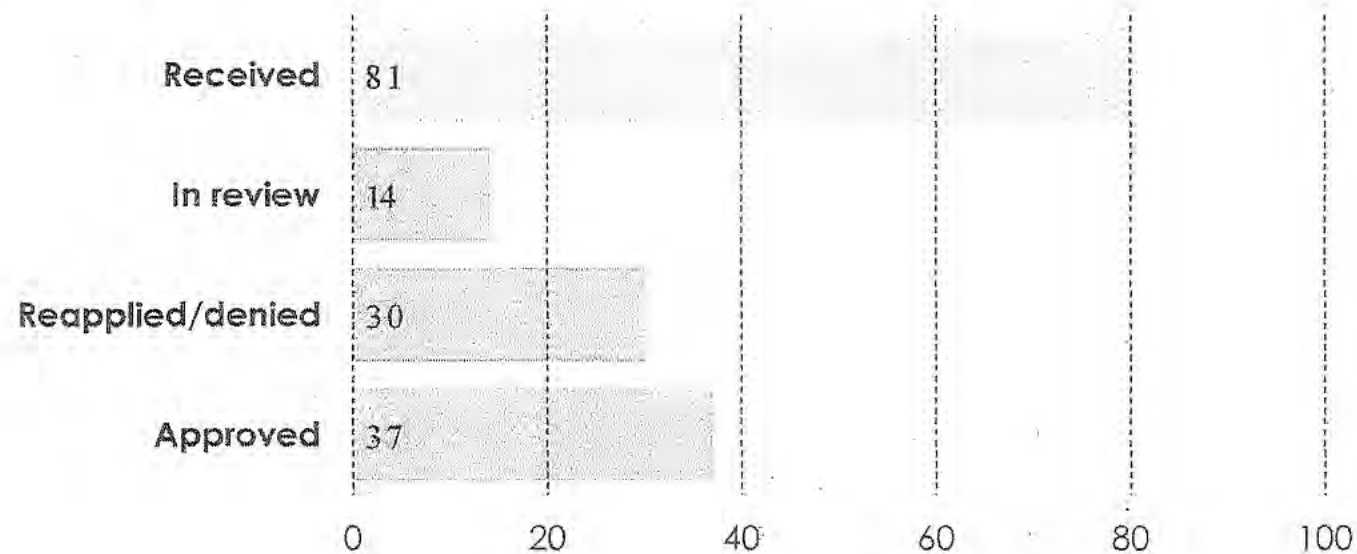
- Posted today, a new Order dated, June 10, 2020 repeals and replaces the order made on May 22, 2020
- Blanket restriction to 50% capacity for operators removed
- Operators are now required to update their safety plan with an assessment of their maximum capacity taking into account distancing requirements
- Guidelines for maintaining safe distance for patrons and staff
- Guidance regarding events < 50 people
- Details under review by staff

Temporary Patio Program

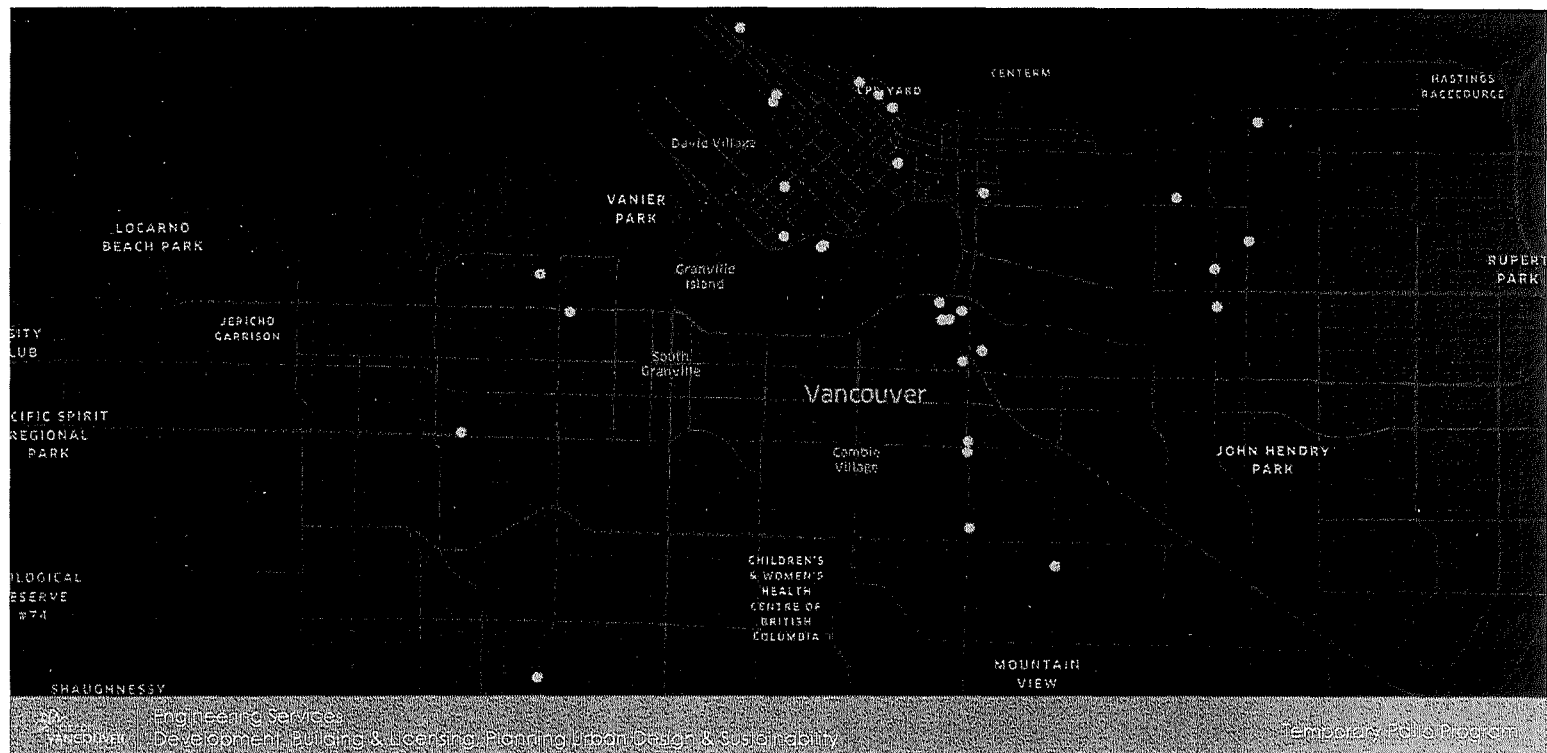
City of Vancouver
Development Services
Planning and Policy Unit

BRITISH COLUMBIA

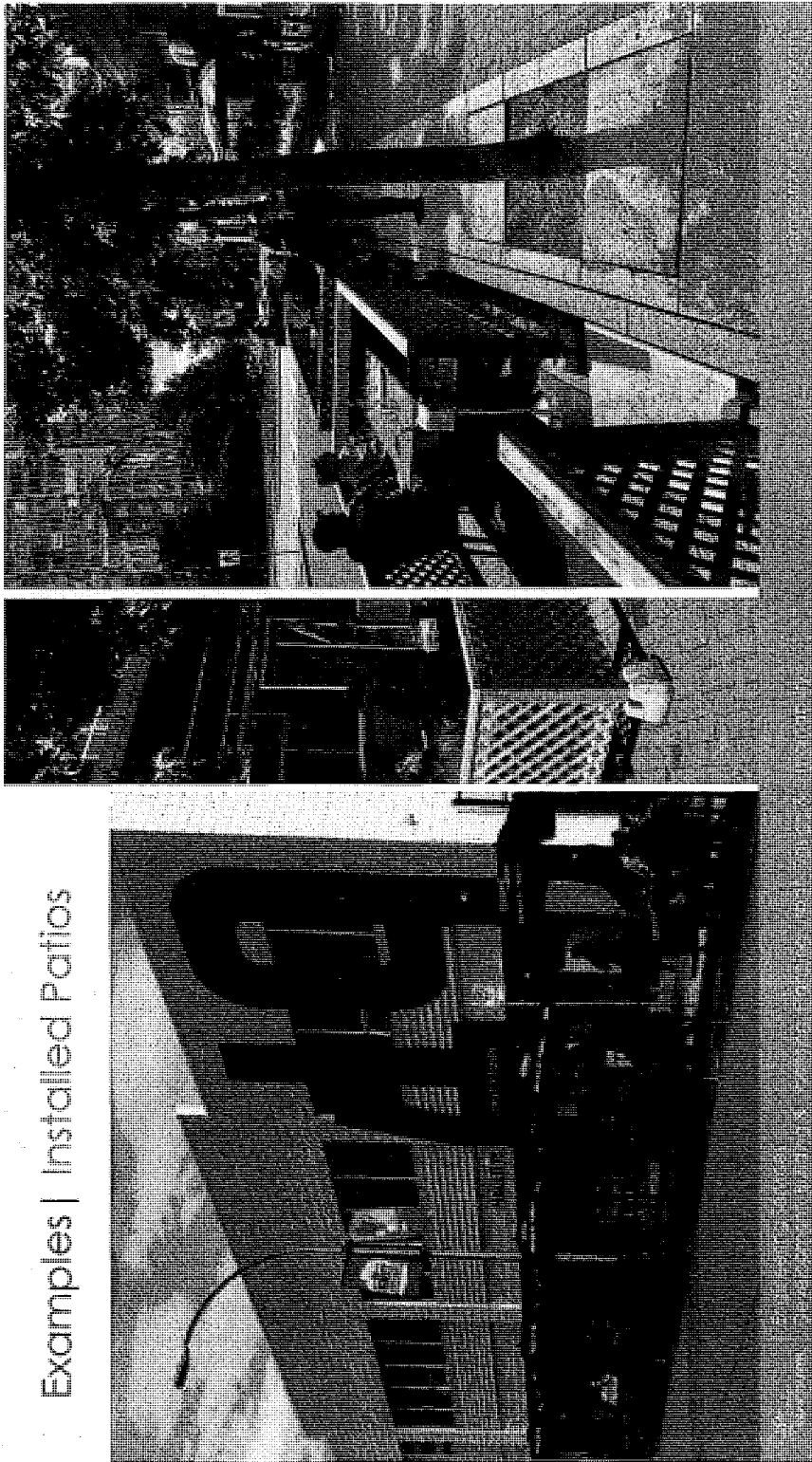
TEPP Applications | June 11th Status



Outdoor Patios | June 10th - Approved locations



Examples | Installed Patios



Decisions

1. Bylaw to waive Fees for Temporary Patios during COVID recovery (Margaret Wittgens)
2. Minor amendment to street vending bylaw (Margaret Wittgens)
3. Referral Report: Zoning and Development By-law Amendments to Temporarily Allow Patios for Businesses on Private Property (Chris Robertson)

Decision Today | Street Vending Fees

Temporary patio and street vending fees bylaw *until October 31st 2020*

- One bylaw to enable waiving fees on public and private property
- Authorizes bylaw relaxation (zoning/building/vending)
- Would extend to other commercial uses in public space

Permanent minor amendment to street vending bylaw

- Enables more flexible permitting for tables and chairs



Decision Today | Referral Report

Proposal: Zoning and Development By-law Amendments to Temporarily Allow Patios for Businesses on Private Property - *until October 31st 2020*

Council Decision: Referral of draft by-law to a Public Hearing.

Public Hearing and Enactment: July 7



Engineering Services
Planning, Development, Building & Licensing, Planning, Design & Sustainability

Temporary Patios Proposal

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CITY OF VANCOUVER CORPORATE POLICY

SUBJECT: Code of Conduct		
CATEGORY: Employment	POLICY NUMBER: AE-028-01	

PURPOSE

To set minimum expectations for the behaviour of Council officials, staff and advisory body members in carrying out their functions.

SCOPE

All City Staff, including political staff, Council officials and Advisory Body Members.

DEFINITIONS

Advisory Body Member: a person sitting on an advisory committee, task force, commission, board, or other Council-established body.

Confidential Information: Confidential Information is information that could reasonably harm the interests of individuals or organizations, including the City of Vancouver, if disclosed to persons who are not authorized to access the information.

Council official: the Mayor and Council members

Staff: an employee or contract employee of the City of Vancouver, and includes staff that supports Advisory Bodies.

POLICY STATEMENTS

1 Key Principles

- 1.1 **Integrity:** Council officials, staff and advisory body members are keepers of the public trust and must uphold the highest standards of ethical behaviour. Council officials, staff, and advisory body members are expected to:
 - make decisions that benefit the community;
 - act lawfully and within the authorities of the Vancouver Charter; and
 - be free from undue influence and not act, or appear to act, in order to gain financial or other benefits for themselves, family, friends or business interests
- 1.2 **Accountability:** Council officials, staff, and advisory body members are obligated to answer for a responsibility that has been entrusted to them. They are responsible for the decisions that they make. This responsibility includes acts of commission and acts of omission. In turn, decision-making processes must be transparent and subject to public scrutiny; and proper records are kept and audit trails are in place

- 1.3 **Responsibility:** Council officials, staff and advisory body members must act responsibly, within the law and within the authorities of the Vancouver Charter. They are to observe the Code of Conduct. This means disclosing actual or potential conflict of interest relating to their public duties and taking steps to resolve the conflict for the protection of the public interest; following the letter and spirit of policies and procedures; and exercising all conferred power strictly for the purpose for which the powers have been conferred.
- 1.4 **Leadership:** Council officials, staff and advisory body members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in local government.
- 1.5 **Respect:** Council officials, staff and advisory body members must conduct public business efficiently, with decorum and with proper attention to the City's diversity. They must treat each other and others with respect at all times. This means not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision making.
- 1.6 **Openness:** Council officials, staff and advisory body members have a duty to be as open as possible about their decisions and actions. This means communicating appropriate information openly to the public about decision-making processes and issues being considered; encouraging appropriate public participation; communicating clearly; and providing appropriate means for recourse and feedback.

2 General Conduct

- 2.1 Council officials, staff and advisory body members must adhere to the key principles and provisions of the Code of Conduct.
- 2.2 Council officials, staff and advisory body members must act lawfully and within the authorities of the *Vancouver Charter*, and exercise a reasonable degree of care and diligence in carrying out their functions
- 2.3 Council officials, staff and advisory body members have an obligation to consider issues consistently and fairly.
- 2.4 Council officials, staff and advisory body members must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council officials, staff and advisory body members must avoid conduct that:
 - Contravenes the law, including the BC Human Rights Code, the *Vancouver Charter*, City By-laws, associated regulations, and City policy;
 - Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others;
 - Prejudices the provision of a service or services to the community.

- 2.5 When making decisions, Council officials, staff and advisory body members must consider all relevant facts, opinions and analyses of which they should be reasonably aware.
- 2.6 Council officials, staff and advisory body members are obliged to question any request to act or make a decision that they think may be unethical or unlawful.
- 2.7 Staff and advisory body members must carry out duties in a manner that allows City Council members and the public to remain informed about local government activity and practices.
- 2.8 Should there be uncertainty about the ethical issues around a conduct or decision, Council officials, staff, and advisory body members should consider the following:
 - Is the conduct or decision lawful?
 - Is the conduct or decision consistent with City policy, Council's objectives and the Code of Conduct?
 - Will the outcome of the decision or conduct provide a private benefit for the individual, family, friends or business interests?
 - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3 Handling of Information

- 3.1 Council Officials, staff and advisory body members must:
 - Protect information that is specifically marked confidential and other material understood to be confidential in nature;
 - Refrain from discussing/disclosing any Confidential Information with/to other staff, or with persons outside the organization except as authorized;
 - Take reasonable care to prevent the examination of confidential material by unauthorized individuals;
 - Not use Confidential Information with the intention to cause harm or detriment to Council or any other person or body;
 - Only access information needed for City business;
 - Only use Confidential Information for the purpose it is intended to be used;
 - Only release information in accordance with established City policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act*;
 - Not disclose decisions, resolutions or report contents from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and
 - Not disclose detail on Council's in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.
- 3.2 Except in the normal course of duties, Council officials, staff and advisory body members must not in any way change or alter City records or documents.

- 3.3 When dealing with personal information, Council officials, staff and advisory body members must comply fully with the provisions of the *Freedom of Information and Protection of Privacy Act*. All reasonable and necessary measures must be taken to ensure that the personal or private business information of individuals is protected. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

4 Conflict of Interest

- 4.1 Council officials, staff and advisory body members are expected to make decisions that benefit the community. They are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends, or business interests.
- 4.2 A conflict exists when an individual is, or could be, influenced, or appear to be influenced, by a personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment, close mindedness or undue influence.
- 4.3 Council officials, staff and advisory body members must appropriately resolve any conflict or incompatibility between their personal interests and the impartial performance of their public or professional duties in accordance with statutory requirements. When considering whether or not a conflict of interest exists, it is important to consider whether there are any grounds for a reasonable person to think that a conflict exists.
- 4.4 Section 145.2 ff of the *Vancouver Charter* set out requirements with respect to conflict of interest, including procedures mandated for disclosure of such interests and matters relating to the acceptance of gifts, the use of insider information and disclosure of contracts. These requirements apply to Council Officials and Park Board Commissioners. The common law interprets and applies the law in respect of conflict of interest.
- Council Officials (and Park Board Commissioners) must fully inform themselves of the statutory requirements in respect of conflicts, and of the related common law, and must comply with all requirements. In the event of a conflict or perceived conflict, Council Officials (and Park Board Commissioners) must seek legal advice.
- 4.5 Staff must fully disclose to their supervisor or the City Manager any direct or indirect pecuniary interest or any bias or undue influence with respect to any matter they are dealing with as soon as practicable.
- 4.6 Advisory body members must fully disclose to the City Clerk any direct or indirect pecuniary interest, any bias or undue influence with respect to any matter they are dealing with immediately.
- 4.7 When staff or advisory board members are uncertain whether a conflict exists, the situation must be immediately presented to the General Manager or City Manager for guidance.

- 4.8 Staff and advisory body members must not use Confidential Information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.
- 4.9 Examples of conflicts that may be encountered by staff or advisory body members include but are not limited to:
- 4.9.1 **Obligation to others:** Staff and advisory body members must not place themselves in a situation where they may be under obligation to someone who has business dealings with the City, and who would benefit from special consideration or treatment.
 - 4.9.2 **Special advantage/disadvantage:** When staff or advisory body members can gain special advantage because of their position or when the City is disadvantaged as a result of the other interests of Council officials, staff or advisory body members.
 - 4.9.3 **Provision of special consideration/ treatment:** In the performance of their duties, staff and advisory body members may only grant special consideration/treatment as specifically authorized by City Council or the General Manager.
 - 4.9.4 **Representation to City Council, its Committees, Boards or Tribunals:** Staff and advisory body members must not represent any private interest(s) except on their own behalf;
 - 4.9.5 **Litigation involving the City:** Staff and advisory body members must not be party to any litigation against or involving the City.
 - 4.9.6 **Use of City-owned equipment:** Staff must use City owned equipment, material, staff time or property in accordance with City policy, or as specifically authorized by City Council or the General Manager.
 - 4.9.7 **Discounts/Rebates:** Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 4.10 Council officials, staff and advisory body members must not expect or request preferential treatment for themselves or their family because of their position. They must also avoid any action that could lead members of the public to believe that they are seeking preferential treatment.
- 4.11 Staff who are considering outside employment, contract work or any business or undertaking that relates in any way to the business of the City or that might conflict or appear to conflict with their duties to the City must notify

and seek the approval of their General Manager or the City Manager in writing.

- 4.11.1 In dealing with such requests General Managers and the City Manager must not unreasonably withhold approval except where such employment is deemed to be inappropriate or present a high probability of the existence of a conflict.
- 4.11.2 Before staff engage in outside employment or business they must ensure that it will not:
- Conflict or appear to conflict with official duties;
 - Interfere with City work;
 - Involve the use of Confidential Information or Council resources obtained through their work for the City;
 - Require work during City work hours;
 - Discredit or disadvantage the City or City Council; or
 - Result in their holding any property or interest which may be in conflict with the employee's duties to the City.

5 Political Activity

- 5.1 Staff members enjoy broad political freedoms and should be able to engage in democratic politics with few restrictions. However, such broad freedoms must be exercised so as not to call into question their ability to perform their employment duties in a professional and impartial manner.

- 5.2 "Political Activity" is applicable to the civic, regional, provincial, and national elections and includes:

- carrying on any activity in support of, within, or in opposition to a political party;
- carrying on any activity in support of or in opposition to a candidate before or during an election period; or
- seeking nomination as or being a candidate in an election before or during the election period.

- 5.3 The *Vancouver Charter*, section 39 allows staff of the City of Vancouver to seek nomination as candidates for City Council and for the Park Board, provided they meet certain requirements.

It requires the employee to:

- Notify the employer in writing, of the employee's intention to consent to nomination, before being nominated.
- After advising the employer in writing, the employee is entitled to and must take a leave of absence, as follows:
 - i) Commencing on the first day of the nomination period or the date of notification, whichever is later, and;
 - ii) Ending:
 - *if not nominated*: on the day after the end of the nomination period;
 - *if employee withdraws as a candidate*: on the day after the withdrawal;

- *if elected*: on the day the employee resigns from the position;
 - *if not elected and no application for judicial recount has been made*: on the last day on which an application for a judicial recount may be made; and
 - *if not elected and an application for a judicial recount has been made*: on the date when the results of the judicial recount are determined.
- If elected, resign from the position before swearing the oath of office.
- 5.4 Staff may seek nomination and hold office on the Vancouver School Board provided they do not violate the standards outlined in this Code of Conduct.
- 5.5 The purpose of this section of the Code of Conduct is to recognize the right of employees to engage in Political Activity while maintaining the principle of political impartiality in the public service.
- 5.6 An employee may engage in any Political Activity so long as it does not impair, or is not perceived as impairing, the employee's ability to perform his or her duties in a politically impartial manner. This precludes employees from displaying slogans or symbols supporting a particular party or candidate while at work where their duties may reasonably require them to interact in person with the public or where their duties require them to supervise, schedule or assign work to others.
- 5.7 An employee may only seek candidacy as set out in Sections 5.2 and 5.3 above.
- 5.8 The City Manager, General Managers and their equivalents shall not engage in any public Political Activity other than voting in an election.

6 Gifts and Personal Benefits

- 6.1 What are gifts and personal benefits?
- 6.1.1 Gifts and personal benefits are items or services of value that are received by Council members, staff, or advisory body members for their personal use. Gifts and personal benefits include, but are not limited to, cash, gift cards, tickets to events, items of clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, and invitations to social functions organized by groups or community organizations.
- 6.1.2 The following are not considered to be gifts or personal benefits for the purposes of this policy:
- compensation authorized by law,
 - reimbursement for out-of-pocket costs incurred for authorized travel, living and accommodation expenses associated with attendance at an event, and

- a lawful contribution made to a Council member who is a candidate for election conducted under Part I or II of the Vancouver Charter.

6.2 What gifts and personal benefits may and may not be accepted?

- 6.2.1 Council members, staff, or advisory body members must not, directly or indirectly, accept a gift or personal benefit that is intended to influence the member's performance of their respective official duties related to the City of Vancouver.
- 6.2.2 Council members may accept gifts and personal benefits received as an incident of the protocol or social obligations that normally accompany the responsibilities of elected office.
- 6.2.3 Staff, or advisory body members may accept a gift or personal benefit that meets both of the following criteria:
- it has a value of \$50 or less, AND
 - is received as an incident of protocol or as a City representative on activities such as speaking engagements, technical presentations, business meetings and social obligations reasonably related to their role with the City of Vancouver.
- 6.2.4 Notwithstanding section 6.22 and 6.23, Council members, staff, or advisory body members must never accept a gift of cash (for the purpose of this policy, gift cards constitute cash).
- 6.2.5 Notwithstanding section 6.22 and 6.23, Council members, staff, or advisory body members must never accept a gift or personal benefit that could reasonably be expected to result in a real or perceived conflict of interest as set out in sections 4.1 and 6.21 of this Code.
- 6.2.6 Staff may not take advantage of discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless those suppliers offer the same discounts/rebates to the general public or those discounts/rebates are offered to staff of other large employers (public and private) on a no-strings-attached basis to the employer.
- 6.2.7 Council members, staff, or advisory body members must take all reasonable steps to ensure that their immediate family members do not receive gifts or personal benefits that could appear to an impartial observer to be an attempt to subvert this policy or to influence or secure a favour from the Council member, staff, or advisory body member. Immediate family members include parents, spouses, children and siblings.

6.3 How must gifts and personal benefits be reported?

- 6.3.1 Council members must disclose any gift or personal benefit they have accepted that is valued at more than \$50.
- 6.3.2 If a Council member, staff, or advisory body member receives multiple gifts or personal benefits valued under \$50 from a single individual or source in one calendar year, the gifts must be disclosed if the combined value of these gifts for the year is more than \$50.
- 6.3.3 Council members, staff, or advisory body members in receipt of gifts or personal benefits that they do not wish to accept have the option of immediately relinquishing the gift or personal benefit to the City Clerk without filing a disclosure form. If not relinquished immediately, a disclosure form will be required.
- 6.3.4 Where a disclosure is required, it must be filed with the City Clerk as soon as practicable, using the forms designated for this purpose. The disclosure must include:
- the name of the individual in receipt of the gift or personal benefit
 - a description of the gift or personal benefit, estimated value, and date that it was received
 - the source of the gift or personal benefit (if from a corporation, the full names and addresses of the CEO/Executive Director and at least 2 individuals who are directors)
 - the circumstances under which the gift or personal benefit was given and accepted
 - the final disposition of the gift or personal benefit
- 6.3.5 Responsibility for relinquishing of gifts and personal benefits in accordance with 6.33, and filing of the disclosure form in accordance with 6.34 lies solely with the recipient of the gift.
- 6.4 How are gifts and personal benefits valued?
- 6.4.1 For the purposes of this Code, the value of each gift or personal benefit shall be determined by its replacement cost, i.e. how much it would cost to replace the item.
- 6.4.2 Where the value for a gift or personal benefit is unclear, the City Clerk shall determine this value.
- 6.5 How are relinquished gifts managed and disposed of?
- 6.5.1 The City Clerk will maintain records of all gifts and personal benefits received, including disposition.
- 6.5.2 Any gifts or personal benefits that have been received in contravention of section 6.2 of this policy must be turned over to the City Clerk immediately for safekeeping or disposition, and are the property of the City.

6.5.3 At the City Clerk's discretion, such gifts may be disposed of as follows:

- returned to the donor,
- displayed in individual offices, general offices, or in the public areas of City Hall,
- disposed of by donation, sale or auction, with any proceeds credited to the City's general revenues or to the direct or indirect support of a charitable organization.

6.5.4 The City Clerk may contact the donor, where appropriate, to report on the disposition of the gift.

Quick reference guide on gift acceptance and disclosure policy:

	What can be accepted	What must be disclosed
Elected officials	May accept any gift or personal benefit related to protocol or social obligations related to elected official duties. (No defined dollar limit, in accordance with Vancouver Charter)	<ul style="list-style-type: none"> ▪ Must disclose individual items worth more than \$50 ▪ Must disclose multiple items from one source where the total value exceeds \$50 in a calendar year
Staff and advisory body members	May accept gift or personal benefit if related to a protocol event or such activities as speaking engagements and business meetings <i>and</i> valued at less than \$50.	<ul style="list-style-type: none"> ▪ Must disclose multiple items from one source where the total value exceeds \$50 in a calendar year
<p>Gifts and personal benefits may never be accepted by elected officials, staff or advisory body members when:</p> <ul style="list-style-type: none"> ▪ in the form of cash or gift card ▪ acceptance of the item could reasonably be expected to result in a real or perceived conflict of interest ▪ the gift or benefit is intended to influence the member's performance of their official duties <p>Elected officials, staff and advisory bodies have the option to not accept the gift or personal benefit and relinquish immediately to the City Clerk without disclosure.</p>		

7 Interactions of Council, Staff and Advisory Body Members

7.1 Council is the governing body of the City of Vancouver. It has the responsibility to govern the City in accordance with the Vancouver Charter and other legislation.

- 7.2 Council officials must act in accordance with Council's Procedure By-Law and the conduct guidelines outlined in this Code.
- 7.3 Council officials are to contact staff according to the procedures authorized by the City Manager regarding the interaction of Council members and staff. As a general guide, inquiries are to be directed to General Managers. Direct access to staff within a department is at the General Manager's discretion.
- 7.4 Where a Council official inquiry may, in the opinion of the City Manager, result in more than a few hours work or may involve sensitive matters, the Council official must obtain the approval of the City Manager or City Council.
- 7.5 Council officials must not direct or influence, or attempt to direct or influence, any staff or advisory body member in the exercise of their duties or functions.
- 7.6 Council officials are not to contact or issue instructions to any of the City's contractors, tenderers, consultants or other service providers.
- 7.7 Council members must not make public statements attacking or reflecting negatively on City of Vancouver staff or invoke staff matters for political purposes.
- 7.8 Council officials must not approach staff organizations about personal matters of individual staff members.
- 7.9 Council officials are to direct requests for working papers or preliminary drafts of reports to the General Manager. The General Manager may point out controversial or confidential aspects of the document, and may stress that the document may not represent the final position of staff.
- 7.10 The City Manager is responsible for the efficient and effective operation of the City organization and for ensuring the implementation of the decisions of the Council.
- 7.11 Staff are expected to:
- Give their attention to the business of the City while on duty;
 - Ensure that their work is carried out efficiently, economically and effectively;
 - Provide Council officials with information sufficient to enable them to carry out their civic functions;
 - Carry out lawful directions given by any person having authority to give such directions; and
 - Give effect to the lawful policies, decisions and practices of Council, whether or not the staff member agrees with or approves of them.
- 7.12 Staff should seek the advice and approval of their General Manager prior to responding to a direct request from Council officials, except where the request is minor or of a day-to-day operational nature.
- 7.13 Staff are to provide information and professional advice through regular City processes and are not to lobby Council members on any matter.

- 7.14 Staff must not make public statements unfairly attacking or reflecting negatively on the City of Vancouver, City Council, individual Council members or staff.
- 7.15 General Managers are to be equally helpful to all members of Council, and should avoid close alliance, or the appearance of close alliance, with any particular member. Information and advice is to be provided as requested, within the limitations of this document.
- 7.16 Significant information provided to any member of Council, which is likely to be used in Council or in political debate, should also be provided to all other Council Members, and to the City Manager.
- 7.17 Advisory body members must act in accordance with the relevant sections of the Procedure By-Law and the conduct guidelines outlined in this document.
- 7.18 Advisory body members must not inappropriately direct or influence, or attempt to direct or influence, any staff in the exercise of their duties or functions except where such direction or influence is necessary to fulfill the specific mandate of the advisory body.
- 7.19 Advisory body members must not make public statements unfairly attacking or reflecting negatively on the City of Vancouver City Council, individual Council members or staff.

8 Breaches, Complaint Handling and Disciplinary Action

General

- 8.1 Council officials, Advisory Body Members and Staff are to abide by the requirements of the Vancouver Charter and this Code of Conduct, and shall endeavour to resolve interpersonal disputes in good faith.

Council Officials

- 8.2 Alleged breaches of this Code of Conduct by Council Officials shall be submitted in a written complaint addressed to the Mayor and/or the City Manager within six (6) months of the last alleged breach. In the event that the Mayor is the subject of, or is implicated in a complaint, the complaint shall be addressed to the Deputy Mayor.
- 8.3 Upon receipt of a complaint under Section 8.2, the Mayor or Deputy Mayor shall, within thirty (30) days, appoint an independent third party identified and agreed between the Complainant(s) and Respondent(s) as having the necessary professional skills, knowledge and experience to investigate the complaint (the "Third Party Investigator"). The Third Party Investigator:
 - 8.3.1 May conduct a preliminary assessment of the complaint, at the conclusion of which the Investigator may determine to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond jurisdiction or unlikely to succeed;

If the Third Party Investigator determines to continue the complaint, the Third Party Investigator shall:

- 8.3.2 Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
- 8.3.3 Provide an investigation update within ninety (90) days of his or her appointment to the Mayor or Deputy Mayor, as applicable, and to the Complainant and the Respondent;
- 8.3.4 Provide a written, confidential report (the "Report") of the findings of the investigation, including findings as to whether there has been a breach of this Code of Conduct, to the Mayor or Deputy Mayor, as applicable, and to the Complainant and the Respondent; and
- 8.3.5 Provide recommendations in the Report as to the appropriate resolution of the complaint, which recommendations may include:
 - a) dismissal of the complaint; or
 - b) public censure of a Council Official or Officials for misbehaviour or a breach of this Code of Conduct;
 - c) a requirement that a Council Official or Officials apologize to any person adversely affected by a breach of this Code of Conduct;
 - d) counselling of a Council Official or Officials, and/or
 - e) such other recommendations as are deemed appropriate in the professional judgment of the Third Party Investigator.
- 8.4 The City Clerk will receive and retain all Reports prepared under Section 8.3.3 and 8.3.4.
- 8.5 Where a Council Official alleges a breach of this Code of Conduct by a fellow Council Official, all Council Officials shall refrain from commenting on such allegations at meetings of Council.

Advisory Body Members

- 8.6 Alleged breaches of this Code of Conduct by Advisory Body Officials shall be submitted in a written complaint addressed to the Mayor within six (6) months of the last alleged breach.
- 8.7 The Mayor shall consider alleged breaches of this Code of Conduct by Advisory Body Members, direct that any enquiries he or she considers appropriate or desirable be undertaken, and recommend appropriate disciplinary action to Council.

- 8.8 The Mayor may recommend that Council take any actions provided for in the Code of Conduct that the Mayor considers reasonable in the circumstances.
- 8.9 Where Council finds that an Advisory Body Member has breached this Code of Conduct, Council may decide by resolution to:
- 8.9.1 censure the Advisory Body Member for misbehaviour;
 - 8.9.2 require the Advisory Body Member to apologize to any person adversely affected by the breach;
 - 8.9.3 counsel the Advisory Body Member;
 - 8.9.4 terminate the Advisory Body Member's appointment; or
 - 8.9.5 implement such other measures as Council deems appropriate.

City Staff and Contract Employees

- 8.10 Alleged breaches of this Code of Conduct by Staff or Contract Employees shall be reported in writing to a General Manager or the equivalent.
- 8.11 Breaches of this Code of Conduct by staff party to collective agreements will be handled through existing collective agreements including identified grievance and arbitration processes. These mechanisms include the ability for the City to take appropriate disciplinary action up to and including dismissal.
- 8.12 Breaches of this Code of Conduct by exempt staff will be handled through existing processes and in accordance with current employment law. The General Manager of Human Resource Services, departmental General Managers or equivalents and/or the City Manager review alleged breaches, make any necessary inquiries and determine appropriate disciplinary action.
- 8.13 Consequences associated with breaches of this Code of Conduct by contract employees are incorporated in the contracts under which they are retained, and will be dealt with in accordance with the conditions outlined therein.

RELATED POLICIES

AE - 028 - 02	Whistleblowing - Reporting, Investigation and Protection
AE - 002 - 05	Human Rights and Harassment Policy
	Respectful Workplace Policy

APPROVAL HISTORY

ISSUED BY:	APPROVED BY:	DATE :
City Clerk	Council	2008/05/15
City Clerk	Council	2011/03/01

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the City Clerk must remove the person's name from the register of electors;

- (c) if the City Clerk is unable to contact the person, the City Clerk must require the person who made the objection to provide proof satisfactory to the City Clerk of the basis of the objection and, if this is done, must remove the name from the register of electors;
- (d) if the person who made the objection does not provide satisfactory proof as required by paragraph (c), the name is to stay on the register of electors.

1993-54-61.

Division (5) — Qualifications for Office

Who may hold office on Council or Park Board

38. (1) A person is qualified to be nominated for office, and to be elected to and hold office, on Council or on the Park Board if at the relevant time the person meets all the following requirements:

- (a) the person must be an individual who is, or who will be on general voting day for the election, 18 years of age or older;
- (b) the person must be a Canadian citizen;
- (c) the person must have been a resident of British Columbia, as determined in accordance with section 25, for at least 6 months immediately before the relevant time;
- (d) the person must not be disqualified under this Act or any other enactment from being nominated for, being elected to or holding the office, or be otherwise disqualified by law.

(2) Without limiting subsection (1) (d), the following persons are disqualified from being nominated for, being elected to or holding office on Council or on the Park Board:

- (a) a person who is a judge of the Court of Appeal, Supreme Court or Provincial Court;
- (b) a person who is disqualified under section 39 as an employee of the city, except as authorized under that section;
- (c) a person who is disqualified under any of the following provisions of this Act:
 - (i) section 140 (4) [*failure to make oath or affirmation of office*];
 - (ii) section 143 (4) [*unexcused absence from council meetings*];
 - (iii) sections 145.3 to 145.911 [*conflict of interest*];

- (d) a person who is disqualified from holding office on a local government under any of the provisions of the *Local Government Act* or *Community Charter* referred to in section 81 (2) (c) to (e) [disqualifications from holding office] of the *Local Government Act*;
- (d.1) [Repealed 2014-19-123.]
- (e) a person who is disqualified from holding office under
 - (i) Division (17) [Election Offences] of this Part as it applies to elections or voting under this Act or any other Act, or
 - (ii) Division 18 of Part 3 of the *Local Government Act*, as it applies in relation to elections or voting under that Act or any other Act;
- (f) a person who is disqualified under the *Local Elections Campaign Financing Act* from holding office on a local authority;
- (g) a person who is disqualified under any other enactment.

1993-54-61; 1997-25-163; 1999-37-294; 2000-7-191; 2003-52-500;
2014-19-123; RS2015-1-RevSch.

Disqualification of Council and regional district employees

39. (1) For the purposes of this section, "**employee**" means

- (a) an employee or salaried officer of the city or a regional district in which all or part of the city is located, or
- (b) a person who is within a class of persons deemed by regulation under section 128 to be employees of the city or a specified regional district in which all or part of the city is located,

but does not include a person who is within a class of persons excepted by regulation under section 128.

(2) Unless the requirements of this section are met, an employee of the city is disqualified from being nominated for, being elected to or holding office

- (a) as a member of Council, or
- (b) as a member of the board of a regional district in which all or part of the city is located.

(3) Unless the requirements of this section are met, an employee of a regional district in which all or part of the city is located is disqualified from being nominated for, being elected to or holding office as a member of the Council.

(4) Before being nominated for an office to which subsection (2) or (3) applies, the employee must give notice in writing to his or her employer of the employee's intention to consent to nomination.

(5) Once notice is given under subsection (4), the employee is entitled to and

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- (c) an election for Council was set aside or declared invalid after the proceeding, or
- (d) an election of a Council member was set aside or declared invalid after the proceeding.

1993-54-62.

City's powers exercisable by Council generally

- 145.** (1) Except as otherwise provided, the powers of the city shall be exercisable by the Council.
- (2) Without limiting subsection (1) and subject to any express limitation in this Act, the city has full power to engage in any commercial, industrial or business undertaking.

1993-54-62.

Voting at Council meetings

- 145.1** (1) This section applies to
- (a) all meetings of Council, and
 - (b) meetings of committees referred to in section 165.6 [*standing, select and other Council committees*].
- (2) Unless otherwise provided in this Act, if the votes of the members of the Council present at the meeting at the time of the vote are equal for and against a question, the question is defeated and the presiding member shall so declare.
- (3) A member of Council present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- (4) to (12) [Repealed 1999-37-319.]

1993-54-62; 1999-37-319.

Disclosure of conflict

- 145.2** (1) This section applies to Council members in relation to
- (a) Council meetings,
 - (b) Council committee meetings, and
 - (c) meetings of any other body referred to in section 165.7 [*application of open meeting rules to other city bodies*].
- (2) If a Council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter, or

- (b) another interest in the matter that constitutes a conflict of interest, the member must declare this and state in general terms the reason why the member considers this to be the case.
- (3) After making a declaration under subsection (2), the Council member must not do anything referred to in section 145.3 (2) [*restrictions on participation*].
- (4) As an exception to subsection (3), if a Council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
- (a) return to the meeting or attend another meeting of the same body,
 - (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
 - (c) after this, participate and vote in relation to the matter.
- (5) For certainty, a Council member who makes a statement under subsection (4) remains subject to section 145.3 [*restrictions on participation if in conflict*].
- (6) When a declaration under subsection (2) or a statement under subsection (4) is made,
- (a) the person recording the minutes of the meeting must record
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and
 - (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
 - (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

1999-37-320; 2003-52-504.

Restrictions on participation if in conflict

- 145.3** (1) This section applies if a Council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 145.2 (2).
- (2) The Council member must not
- (a) remain or attend at any part of a meeting referred to in section 145.2 (1) [*disclosure of conflict*] during which the matter is under consideration,

- (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or
 - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.
- (3) A person who contravenes this section is disqualified from holding office as described in section 145.911 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

2003-52-504; 2014-19-163.

Restrictions on inside influence

- 145.4** (1) A Council member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken
- (a) at a meeting referred to in section 145.2 (1) [*disclosure of conflict*],
 - (b) by an officer or an employee of the city, or
 - (c) by a delegate under section 161 [*delegation of powers*],
- if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.
- (2) A person who contravenes this section is disqualified from holding office as described in section 145.911 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

2003-52-504; 2014-19-164.

Restrictions on outside influence

- 145.5** (1) In addition to the restriction under section 145.4 [*restrictions on inside influence*], a Council member must not use his or her office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.
- (2) A person who contravenes this section is disqualified from holding office as described in section 145.911 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

2003-52-504; 2014-19-165.

Exceptions from conflict restrictions

- 145.6** (1) Sections 145.2 to 145.5 [*disclosure of conflict; restrictions on participation;*

inside influence; outside influence] do not apply if one or more of the following circumstances applies:

- (a) the pecuniary interest of the Council member is a pecuniary interest in common with electors of the city generally;
 - (b) in the case of a matter that relates to a local improvement project, the pecuniary interest of the Council member is in common with other persons who are or would be liable for the cost of the local improvement project;
 - (c) the matter relates to remuneration, expenses or benefits payable to one or more Council members in relation to their duties as Council members;
 - (d) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter;
 - (e) the pecuniary interest is of a nature prescribed by regulation.
- (2) Despite sections 145.2 to 145.5 [*disclosure of conflict; restrictions on participation; inside influence; outside influence*], if a Council member
- (a) has a legal right to be heard in respect of a matter or to make representations to Council, and
 - (b) is restricted by one or more of those sections from exercising that right in relation to the matter,

the Council member may appoint another person as a representative to exercise the member's right on his or her behalf.

2003-52-504.

Restrictions on accepting gifts

145.7 (1) A Council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.

(2) Subsection (1) does not apply to

- (a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,
- (b) compensation authorized by law, or
- (c) a lawful contribution made to a member who is a candidate for election conducted under this Act or Part 3 of the *Local Government Act*.

(3) A person who contravenes this section is disqualified from holding office as

described in section 145.911 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

2003-52-504; 2014-19-166.

Disclosure of gifts

145.8 (1) This section applies if

- (a) a member receives a gift or personal benefit referred to in section 145.7 (2) (a) that exceeds \$250 in value, or
 - (b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.
- (2) In the circumstances described in subsection (1), the Council member must file with the City Clerk, as soon as reasonably practicable, a disclosure statement indicating
- (a) the nature of the gift or benefit,
 - (b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,
 - (c) when it was received, and
 - (d) the circumstances under which it was given and accepted.
- (3) A person who contravenes this section is disqualified from holding office as described in section 145.911 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

2003-52-504; 2014-19-167.

Disclosure of contracts with council members and former council members

145.9 (1) If the city enters into a contract in which

- (a) a Council member, or
- (b) a person who was a Council member at any time during the previous 6 months,

has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a Council meeting that is open to the public.

- (2) In addition to the obligation under section 145.2 [*disclosure of conflict*], a Council member or former Council member must advise the City Clerk, as soon as reasonably practicable, of any contracts that must be reported under subsection (1) in relation to that person.
- (3) A person who contravenes subsection (2) is disqualified from holding office as

described in section 145.911 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

2003-52-504; 2014-19-168.

Restrictions on use of insider information

145.91 (1) A Council member or former Council member must not use information or a record that

(a) was obtained in the performance of the member's office, and

(b) is not available to the general public,

for the purpose of gaining or furthering a direct or indirect pecuniary interest of the Council member or former Council member.

(2) A person who contravenes this section is disqualified from holding office as described in section 145.911 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

2003-52-504; 2014-19-169.

Disqualification from office for contravening conflict rules

145.911 A person disqualified from holding office under any of sections 145.3 to 145.91 is disqualified from holding office

(a) on Council or on the Park Board,

(b) on any other local government, or

(c) as a trustee under the *Islands Trust Act*

until the next general local election.

2014-19-170.

Court order for person to give up financial gain

145.92 (1) If a Council member or former Council member has

(a) contravened any of the requirements of sections 145.2 to 145.91, and

(b) realized financial gain in relation to that contravention,

the city or an elector may apply to the court for an order under this section.

(2) Within 7 days after the petition commencing an application under this section is filed, it must be served on

(a) the Council member or former Council member, and

(b) in the case of an application brought by an elector, the city.

- (3) On an application under this section, the court may order the Council member or former Council member to pay to the city an amount equal to all or part of the person's financial gain as specified by the court.
- (4) In the case of an application made by an elector, if the court makes an order under subsection (3), the city must promptly pay the elector's costs within the meaning of the Supreme Court Civil Rules.
- (5) The court may order that costs to be paid under subsection (4) may be recovered by the city from any other person as directed by the court in the same manner as a judgment of the court.
- (6) Except as provided in subsection (4), the costs of an application are in the discretion of the court.

2003-52-504; 2010-6-97.

Quorum for conducting business

- 146.** (1) The acts done by a quorum of the Council or other administrative body shall not be held to be invalid by reason of the fact that the Council or administrative body is not at the time composed of the required number of members.
- (2) The city may apply to the court for an order under subsection (3) if, as a result of section 145.2 [*disclosure of conflict*], the number of Council members who may discuss and vote on a matter falls below
- (a) the quorum of the Council, or
 - (b) the number of Council members required to adopt the applicable by-law or resolution.
- (3) On an application under subsection (2), the court may
- (a) order that all or specified Council members may discuss and vote on the matter, despite sections 145.2 [*disclosure of conflict*] and 145.3 [*restrictions on participation if in conflict*], and
 - (b) make the authority under paragraph (a) subject to any conditions and directions the court considers appropriate.
- (4) An application under subsection (2) may be made without notice to any other person.

1953-55-146; 2003-52-505.

Continuing bodies

- 147.** The Council and other administrative bodies shall be deemed and considered to continue in existence notwithstanding any change in their membership, and proceedings begun by one Council or administrative body may be continued and completed by a succeeding Council or administrative body.



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1978-41-12; 1987-24-80, effective July 27, 1987 (B.C. Reg. 246/87); 1992-82-165.

Inquiry by barrister

176. The Council may engage a barrister to investigate and report upon

- (a) any alleged misfeasance, breach of trust, or other misconduct by
 - (i) any member of the Council;
 - (ii) any member of any other administrative body;
 - (iii) any employee of the city;
 - (iv) any person having a contract with the cityin regard to the duties or obligations of such member, employee, or person to the city;
- (b) any matter connected with the good government of the city or the conduct of any part of its business, including any business conducted by any other administrative body.

1953-55-176.

Barrister's powers

177. (1) The barrister engaged under section 176 must without delay make the investigation and report to the Council.

(2) For the purposes of an investigation and report, the barrister may make an order requiring a person to do either or both of the following:

- (a) attend, in person or by electronic means, before the barrister to answer questions on oath or affirmation, or in any other manner;
- (b) produce for the barrister a record or thing in the person's possession or control.

(3) The barrister may apply to the court for an order

- (a) directing a person to comply with an order made under subsection (2), or
- (b) directing any directors and officers of a person to cause the person to comply with an order made under subsection (2).

(4) The barrister may allow a person whose conduct is being investigated, and must allow a person against whom any charge is made in the course of an investigation, to be represented by counsel.

(5) A report must not be made against a person against whom any charge is made in the course of an investigation until the person

- (a) has been given reasonable notice of the charge, and
- (b) has been allowed full opportunity to be heard in person or by counsel.

2007-9-106.

Contempt proceeding for uncooperative person

177.1 The failure or refusal of a person subject to an order under section 177 (2) to do any of the following makes the person, on application to the court by the barrister, liable to be committed for contempt as if in breach of an order or judgment of the court:

- (a) attend before the barrister;
- (b) take an oath or make an affirmation;
- (c) answer questions;
- (d) produce records or things in the person's possession or control.

2007-9-106.

Barrister's fees

178. The fees of the barrister and of any witness called by him or by the city shall be payable by the city.

1953-55-178.

Acquisition of parks, etc.

179. The Council may acquire for the city such real property within or without the city as it thinks necessary for parks, playgrounds, pleasure-grounds, or recreational areas, and the Board of Parks and Recreation may from time to time make recommendations with respect thereto.

1953-55-179; 1956-70-3; 1978-41-13.

Indemnification of employees

180. (1) In this section, "**public service organization**" shall mean a board or commission established pursuant to this Act, the *Library Act* or the *Police Act*, any society, association or other organization providing a public service within the city at the request of or with the consent of the council, and any member, director, employee or volunteer of such board, commission, society, association or organization.

(2) The council may, by a vote of not less than 2/3 of all members, provide for the payment of a sum required for the protection, defence or indemnification of an officer or employee of the city, a member of its council or any public service organization together with costs necessarily incurred and damages recovered where an action or prosecution is brought against him in connection with the

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BRITISH
COLUMBIA

Statement of Disclosure Financial Disclosure Act

You must complete a Statement of Disclosure form if you are:

- a nominee for election to provincial or local government office*, as a school trustee or as a director of a francophone education authority
- an elected local government official
- an elected school trustee, or a director of a francophone education authority
- an employee designated by a local government, a francophone education authority or the board of a school district
- a public employee designated by the Lieutenant Governor in Council

*("local government" includes municipalities, regional districts and the Islands Trust)

Who has access to the information on this form?

The Financial Disclosure Act requires you to disclose assets, liabilities and sources of income. Under section 6 (1) of the Act, statements of disclosure filed by nominees or municipal officials are available for public inspection during normal business hours. Statements filed by designated employees are not routinely available for public inspection. If you have questions about this form, please contact your solicitor or your political party's legal counsel.

What is a trustee?—s. 5 (2)

In the following questions the term "trustee" does not mean school trustee or Islands Trust trustee. Under the Financial Disclosure Act a trustee:

- holds a share in a corporation or an interest in land for your benefit, or is liable under the Income Tax Act (Canada) to pay income tax on income received on the share or land interest
- has an agreement entitling him or her to acquire an interest in land for your benefit

Person making disclosure:	WIERE <small>last name</small>		MICHAEL JOHN <small>first & middle name(s)</small>	
Street, rural route, post office box:	s. 22(1) Personal and Confidential			
City:	VANCOUVER	Province:	BC	Postal Code: s. 22(1) Personal and Confidential
Level of government that applies to you:	<input type="radio"/> provincial <input checked="" type="radio"/> local government <input type="radio"/> school board/francophone education authority			

If sections do not provide enough space, attach a separate sheet to continue.

Assets — S. 3 (a)

List the name of each corporation in which you hold one or more shares, including shares held by a trustee on your behalf:

Portside Pub Ltd.
McDonald's Restaurants Ltd.
The Tripod Investment Group Ltd.

Liabilities – s. 3 (e)

List all creditors to whom you owe a debt. Do not include residential property debt (mortgage, lease or agreement for sale), money borrowed for household or personal living expenses, or any assets you hold in trust for another person:

creditor's name(s)

creditor's address(es)

Income – s. 3 (b-d)

List each of the businesses and organizations from which you receive financial remuneration for your services and identify your capacity as owner, part-owner, employee, trustee, partner or other (e.g. director of a company or society).

- Provincial nominees and designated employees must list all sources of income in the province.
- Local government officials, school board officials, francophone education authority directors and designated employees must list only income sources within the regional district that includes the municipality, local trust area or school district for which the official is elected or nominated, or where the employee holds the designated position

your capacity

name(s) of business(es)/organization(s)

Owner / Operator	The Tripod Investment Group dba eight 1/2 restaurant
Director	Metro Vancouver
Board Member	Easy Park

Real Property – s. 3 (f)

List the legal description and address of all land in which you, or a trustee acting on your behalf, own an interest or have an agreement which entitles you to obtain an interest. Do not include your personal residence.

- Provincial nominees and designated employees must list all applicable land holdings in the province
- Local government officials, school board officials, francophone education authority directors and designated employees must list only applicable land holdings within the regional district that includes the municipality, local trust area or school district for which the official is elected or nominated, or where the employee holds the designated position

legal description(s)

address(es)

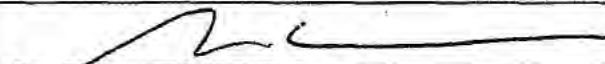
Corporate Assets – s. 5

Do you individually, or together with your spouse, child, brother, sister, mother or father, own shares in a corporation which total more than 30% of votes for electing directors? (Include shares held by a trustee on your behalf, but not shares you hold by way of security.)
☐ no ☒ yes

If yes, please list the following information below & continue on a separate sheet as necessary:

- the name of each corporation and all of its subsidiaries
- in general terms, the type of business the corporation and its subsidiaries normally conduct
- a description and address of land in which the corporation, its subsidiaries or a trustee acting for the corporation, own an interest, or have an agreement entitling any of them to acquire an interest
- a list of creditors of the corporation, including its subsidiaries. You need not include debts of less than \$5,000 payable in 90 days
- a list of any other corporations in which the corporation, including its subsidiaries or trustees acting for them, holds one or more shares.

The Tishoo Investment Group Ltd. dba eight 1/2 restaurant.


signature of person making disclosure

Jan 2, 2019
date

Where to send this completed disclosure form:

Local government officials:

- ... to your local chief election officer
 - with your nomination papers, and
- to the officer responsible for corporate administration
 - between the 1st and 15th of January of each year you hold office, and
 - by the 15th of the month after you leave office

School board trustees/ Francophone Education Authority directors:

- ... to the secretary treasurer or chief executive officer of the authority
 - with your nomination papers, and
 - between the 1st and 15th of January of each year you hold office, and
 - by the 15th of the month after you leave office

Nominees for provincial office:

- with your nomination papers. If elected you will be advised of further disclosure requirements under the Members' Conflict of Interest Act

Designated Employees:

- ... to the appropriate disclosure clerk (local government officer responsible for corporate administration, secretary treasurer, or Clerk of the Legislative Assembly)
 - by the 15th of the month you become a designated employee, and
 - between the 1st and 15th of January of each year you are employed, and
 - by the 15th of the month after you leave your position

Print Form

Clear Form



BRITISH
COLUMBIA

Statement of Disclosure Financial Disclosure Act

You must complete a Statement of Disclosure form if you are:

- * a nominee for election to provincial or local government office*, as a school trustee or as a director of a francophone education authority
 - * an elected local government official
 - * an elected school trustee, or a director of a francophone education authority
 - * an employee designated by a local government, a francophone education authority or the board of a school district
 - * a public employee designated by the Lieutenant Governor in Council
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- has an agreement entitling him or her to acquire an interest in land for your benefit

Person making disclosure:	WIEBE <small>last name</small>	MICHAEL JOHN <small>first & middle names</small>	
Street, rural route, post office box: 			
City:	VANCOUVER	Province:	BC
Level of government that applies to you:		Postal Code: 	
		<input type="radio"/> provincial <input checked="" type="radio"/> local government <input type="radio"/> school board/francophone education authority	

If sections do not provide enough space, attach a separate sheet to continue.

Assets - s. 3 (a)

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The Portside Pub Ltd
McDonald's Restaurants

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List all creditors to whom you owe a debt. Do not include residential property debt (mortgage, lease or agreement for sale), money borrowed for household or personal living expenses, or any assets you hold in trust for another person:

creditor's name(s)	creditor's address(es)

Income – s. 3 (b-d)

List each of the businesses and organizations from which you receive financial remuneration for your services and identify your capacity as owner, part-owner, employee, trustee, partner or other (e.g. director of a company or society).

- Provincial nominees and designated employees must list all sources of income in the province.
- Local government officials, school board officials, francophone education authority directors and designated employees must list only income sources within the regional district that includes the municipality, local trust area or school district for which the official is elected or nominated, or where the employee holds the designated position.

your capacity	name(s) of business(es)/organization(s)
DIRECTOR	EASY PARK
OWNER / OPERATOR	EIGHT 1/2 RESTAURANT
DIRECTOR	METRO VANCOUVER
COUNCILLOR	CITY OF VANCOUVER
INVESTOR	THE PORTSIDE PUB LTD.

Real Property – s. 3 (f)

List the legal description and address of all land in which you, or a trustee acting on your behalf, own an interest or have an agreement which entitles you to obtain an interest. Do not include your personal residence.

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legal description(s)	address(es)

Corporate Assets - s. 5


Do you individually, or together with your spouse, child, brother, sister, mother or father, own shares in a corporation which total more than 30% of votes for electing directors? (Include shares held by a trustee on your behalf, but not shares you hold by way of security.)

☐ No ☒ Yes

If yes, please list the following information below & continue on a separate sheet as necessary:

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- in general terms, the type of business the corporation and its subsidiaries normally conduct
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- a list of creditors of the corporation, including its subsidiaries. You need not include debts of less than \$5,000 payable in 90 days
- a list of any other corporations in which the corporation, including its subsidiaries or trustees acting for them, holds one or more shares.

THE TRIPOD INVESTMENT GROUP DBA RIGHT 1/2 RESTAURANT


signature of person making disclosure

date

JAN 3, 2020

Where to send this completed disclosure form:

Local government officials:

- to your local chief election officer
- with your nomination papers, and
- to the officer responsible for corporate administration
- between the 1st and 15th of January of each year you hold office, and
- by the 15th of the month after you leave office

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- to the secretary treasurer or chief executive officer of the authority
- with your nomination papers, and
- between the 1st and 15th of January of each year you hold office, and
- by the 15th of the month after you leave office

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- with your nomination papers. If elected you will be advised of further disclosure requirements under the Members' Conflict of Interest Act

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- to the appropriate disclosure clerk (local government officer responsible for corporate administration, secretary treasurer, or Clerk of the Legislative Assembly)
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- between the 1st and 15th of January of each year you are employed, and
- by the 15th of the month after you leave your position.

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Clear Form

08/2014

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Food

TOPICS ▾

FOOD NOTES »

Coun. Michael Wiebe's restaurant among 14 eateries, bars, and breweries that obtained temporary patio permits

by Charlie Smith on June 5th, 2020 at 9:48 AM



Pizzeria Napoletana on Victoria Drive will be able to serve customers on a patio.

VIA TEVERE PIZZERIA NAPOLETANA

When the City of Vancouver announced yesterday that it had approved more than a dozen applications for temporary patios, it prompted an obvious question.

Which establishments were approved?

This morning, the city provided the *Straight* with a list.

And one of those businesses belongs to Green councillor Michael Wiebe.

In his financial disclosure statement and on his LinkedIn profile, Wiebe lists himself as the owner/operator of Eight 1/2 Restaurant Lounge (151 East 8th Avenue). It won approval for its application for a free temporary patio permit from June 1 to October 31.

RELATED STORIES

ty of Vancouver issues
temporary patio
permits this week to assist
businesses coping with
pandemic

D-19 in Vancouver:
restaurants and bars can
apply for temporary patio
expansions

C. restaurants, bars,
ineries, breweries, and
stilleries may apply to
expand service areas
without paying fees

B.C.'s economy on the
mend? Perhaps so,
edging from today's visits
London Drugs, IKEA,
nd White Spot

These permits allow business owners to use on-street parking space or sidewalks in front or beside their establishments.

According to the May 13 city council minutes, Wiebe did not absent himself from discussions or voting on a motion to "approve in principle the prioritization of additional staff and budget resources to support the allocation of flexible, innovated, and expedited patio space".

In addition, that motion directed staff "to seek out cost recovery opportunities where possible and where reallocation of public space may be for private use".

On May 27, Wiebe seconded a motion by NPA councillor Sarah Kirby-Yung calling on council to temporarily waive all permit and application fees associated with the temporary expansion of patio spaces.

The *Straight* has left a message with Wiebe for comment. He chose to respond over Twitter.

Charlie Smith @charli... · Jun 5, 2020

@CouncillorWiebe restaurant on #MainStreet among 14 eateries, bars, and breweries that obtained temporary patio permits from @CityofVancouver
straight.com/food/coun-mich..
@georgiastaight #vanpoli #bcpoli
#VancouverCharter #michaelwiebe
@melissadegenova @sethdklein
@margotyoung3

Coun. Michael Wiebe's restaurant
among 14 eateries, bars, and
straight.com

Michael Wiebe
@councillorwiebe

This is critical for local restaurants to meet the Provincial physical distancing guidelines. I was told that I'm not in conflict as the policy is city wide, temporary, and doesn't increase my seating capacity which is still at 50%. It's a tool that will hopefully help us survive

11:25 AM · Jun 5, 2020

9 See the latest COVID-19 Inform...

Under section 145.2 of the Vancouver Charter, a council member must issue a declaration

f they consider that they are "not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter" because of a direct or indirect pecuniary interest.

councillor has a direct or indirect pecuniary interest, the council member must not main or attend at any part of a meeting in which this matter is under consideration. In addition, a councillor cannot participate in a discussion, vote on the matter, or influence the voting on the matter.

"A person who contravenes this section is disqualified from holding office as described in section 145.911 [disqualification for contravening conflict rules] unless the contravention was done inadvertently or because of an error in judgment made in good faith," the Vancouver Charter states.

As of this writing, nobody has suggested that Wiebe has contravened the Vancouver Charter.

According to the city's June 4 news release, there have been 46 applications for free temporary patios since June 1.

Three submissions were for patios on private property.



Via Tevere Pizzeria Napoletana on Victoria Drive will be able to serve customers on a patio.

VIA TEVERE PIZZERIA NAPOLETANA

Via Tevere among others that were approved

Here is the list of the 13 other breweries, bars, and restaurants that were approved for expedited patios:

POPULAR ON STRAIGHT.COM



1 COVID-19 in B.C.: Four flights arrive in Vancouver with confirmed cases, new community outbreak in Okanagan



2 COVID-19 in B.C.: Kelowna outbreak expands to 13 individuals in their 20s and 30s at two parties



3 Trudeau's WE Charity apology lays foundation for demonstrating a lack of criminal intent



4 COVID-19 in B.C.: Dr. Bonnie Henry and Adrian Dix on the Canada-U.S. border, air travel, and case number increases



5 Does your child have a food allergy? Find peace of mind with these four tips

Soho Bar & Billiards (1283 Hamilton Street)

The Charlatan (1447 Commercial Drive)

Breaking Bean Kafe (551 Cardero Street)

R&B Brewing Ale and Pizza House (54 East 4th Avenue)

Via Tevere Pizzeria Napoletana (1190 Victoria Drive)

Electric Bicycle Brewing (20 East 4th Avenue)

Street Kitchen (1950 Triumph Street)

EVENTS

GUIDES

COVID-19 REAL ESTATE NEWS HEALTH ARTS FILM & TV CANNABIS ESPORTS FINANCE FOOD & DRINK STYLE MORE

Lucky Taco (1685 Yew Street)

Pizzeria Bufala (5395 West Boulevard)

The Union Kitchen and Bar (219 Union Street)

Click here to report a typo.

SHOW 1 COMMENTS

6



The backyard astronomer: Spectacular new comet visible to naked eye

7



In less than a week, West End penthouse near Vancouver's English Bay sells for nearly \$2.9 million

8



Built in 1902 and closed in 2017, Cardero Grocery to be revived in Vancouver West End

10



B.C. bass player and songwriter Rich Priske dies

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I'm reeling after spending the whole night having major anxiety and an emotional meltdown. I was...

New to the Georgia Straight. A space for sharing memories and remembering our loved ones.

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ⓘ This page may be out of date as we respond to COVID-19. Get the latest updates, service changes, and community supports at vancouver.ca/covid19.

● **#RestartSmartVancouver**

City issues over 280 temporary patio permits, and counting...



Translate this page:

Select Language ▼

Available on select pages that support our COVID-19 response.

July 24 2020 -

In less than two months since launching our Temporary Expedited Patio Program (TEPP), we have issued

more than 280 temporary patio permits to support businesses throughout their recovery from COVID-19. Temporary patios allow food and liquor serving establishments to expand their indoor seating outside and maintain physical distancing requirements. Local businesses can apply online for their free patio permit at vancouver.ca/patio-permits. Permits are valid until October 31 and allow businesses to immediately take advantage of patio season in Vancouver.



Photo by Ladurée Canada

Quotes from patio owners

“It was great to see that in this time of crisis, our city has really come together to support small businesses by providing us with a fast, quick, and easy way to expand our seating outside,” said Mark Moody, owner of the Templeton restaurant on Granville Street. “The TEPP team was nothing short of impressive. They removed the red tape and delivered our permit within two days.”

“The patio program has been so important to us as we try to get back to regular operations,” said Jeff Parr, co-owner of Their There / Hundy coffee shop and restaurant on W 4th Avenue. “Our space is very tight and cozy so having guests back in our room would not be possible while maintaining proper social distance measures. Having a patio provides not only an amazing seating option but really helps the overall dining culture in Vancouver!”

Since launching the program on June 1, we have issued 290 patio permits. Here's a breakdown of the permits received to date:

	Public patios	Private patios
Approved	232	58
Under review	7	8
Outside scope	103	0
Total	342	66

Quotes from City staff

“We know this temporary outdoor space is important to businesses, and our dedicated team is quickly reviewing applications as they are received. To speed up the application process, we’ve provided template patio drawings for businesses to use in their online application,” said Jessie Adcock, General City of Vancouver - FOI 2021-074 - Part 1 of 2 - Page 120 of 200

Manager of Development, Buildings and Licensing. "Businesses who meet the mandatory requirements can expect to receive their permit within two business days of submitting their completed application for patios on a public property and within five days for patios on private property that do not require construction."

"Reshaping how we use streets and public spaces has been critical to supporting businesses through COVID-19 recovery," said Lon LaClaire, General Manager of Engineering Services. "From extending sidewalks to provide room for queues to temporary plazas and patios our team is committed to innovative solutions so that residents can safely enjoy outdoor spaces this summer."

For more information on the Temporary Expedited Patio Program and a full list of approved patio locations, visit vancouver.ca/temporary-patio.

Background

- On May 12, Council directed staff to work on a new, faster online application process to provide increased flexibility for restaurants to provide service outdoors
- On June 1, we launched the Temporary Expedited Patio Program and online application process for patios on public property
- On June 11, Council approved bylaw amendments to include patios on private property as part of the Temporary Expedited Patio Program
- On June 25, the online application process expanded to include patios on private property
- On June 30, following a public hearing, Council approved bylaw amendments to allow outdoor patios on private property for breweries, distilleries, and wineries

Restart and recovery

Vancouverites continue to do a great job in reducing the spread of COVID-19 by staying home and staying put. As we shift into recovery and restart, we are asking the public to:

- Stay strong – keep two metres apart, do not attend large gatherings, and stay home if you are feeling unwell
- Stay local – support local businesses and your neighbourhood

For more detailed information about the status of City services and facilities, visit www.vancouver.ca/covid19.

You or your insurance broker must submit a completed Liability Insurance Certificate by email within five business days of submitting this application. If we do not receive the completed certificate within five business days, we may revoke your permit.

D. Permit reviewed and get permit

If you meet all of the mandatory requirements, you can expect to receive your temporary expedited patio permit for a patio:

- Entirely on public property within two business days of submitting your completed application
- With no construction (building or drilling into pavement) on private or partly public property within five business days of submitting your completed application
- With a semi-permanent structure on private or partly public property, we'll prioritize your application and contact you to discuss your next steps.

Curbside patio

If you applied for a curbside patio and we issue your permit, our crews will work with you to prepare the street parking spaces for your patio.

Approved temporary patio locations

Business	Location
33 Acres Brewing Company	15 W 8th Ave
33 Brewing Experiment	25 W 8th Ave
49th Parallel Coffee Roasters	2902 Main St
49th Parallel Coffee Roasters	2198 W 4th Ave
Alibi Room	#100-157 Alexander St
Alphabet City	4242 Main St
Ancora Waterfront Dining	2-1600 Howe St
Ampersand	32 Water St
Anh and Chi Restaurant	3388 Main St
Annalena	1809 W 1st Ave
Aperture coffee bar	4124 Main St
Apollonia Restaurant	1830 Fir St
Argo Cafe	1836 Ontario St
Artistry Coffee Shop and Bakehouse	2959 W 4th Ave
Baker & Table Cafe	6414 Fraser St
Bambo Cafe	301 W Cordova St
Banana Leaf on Davie	1043 Davie St
Banana Leaf on Broadway	820 W Broadway
Bao Down Ov	115 W 2nd Ave
Bean Around The World	4456 W 10th Ave

Beaucoup Bakery and Cafe	2150 Fir St
Biercraft Cambie	3305 Cambie St
Birds & the Beets	55 Powell St
Blarney Stone	216 Carrall St
Blenz Coffee	3698 W 4th Ave
Blenz Coffee	1201 Robson
Bomber Brewery	1488 Adanac St
Boulevard Kitchen and Oyster Bar	845 Burrard St
Breaking Bear Kafe	551 Cardero St
Bridges	1696 Duranleau St
Browns Crafthouse	202 E 16th Ave
Browns Socialhouse Kitsilano	2296 W 4th Ave
Brunch	1147 Granville St.
Buckets Ice Cream	3330 Main St
Burdock & Co	2702 Main St
Burgoo (Kitsilano) (x2)	2272 W 4th Ave
Burgoo (Mount Pleasant) (x2)	3096 Main St
Burgoo (Point Grey)	4434 W 10th Ave
Cactus Club Cafe	561-575 W Broadway
Cactus Club Cafe	1530 W Broadway St
Cafe Medina	780 Richards St
Cafe Zen on Yew	1631 Yew St
Callister Brewing Co	1338 Franklin St
Cambie Hotel	300 Cambie St
Cardero Cafe	1016 Cardero St
Castaway Bar and Kitchen	3293 W 4th Ave
Cazba Restaurant	1103 Davie St
Chaise Lounge Restaurant	4444 Main St
Charqui Tap & Grill	1955 Cornwall Ave
Chewies Steam & Oyster Bar	2201 W 1st Ave
Chickpea	4298 Main St
Coco et Olive Fine Foods Inc	3707 Main St
Coho Coffee	1370 E Georgia St
Container Brewery	1216 Frankin St
Continental Coffee Main St	4295 Main St
Craft	85 W 1st Ave
Cravings Restaurant and Lounge	8808 Osler St
Dachi	2297 E Hastings
De Dutch Pannekoek House	410 W 2nd Ave
Devil's Elbow Alehouse	562 Beatty St

Do Chay Saigon Vegetarian Restaurant	1392 Kingway
Dock Lunch	152 E 11th Ave
Donnellan's Irish Pub	1082 Granville St
Dublin Down	900 Granville St
Earls Kitchen + Bar	1095 Mainland St
East Van Brewing	1675 Venables St
Eight 1/2 restaurant lounge	151 E 8th Ave
El Camino's (x2)	3250 Main St
Electric Bicycle Brewing	20 E 4th Ave
Elwoods	3357 W Broadway
Enroute Cafe	2205 W 1st Ave
Fable	1944 W 4th Ave
Faculty Brewing Co.	1830 Ontario St
Falconetti's Grill	1812 Commercial Dr
Field & Social	18 E 5th Ave
Fiore Famiglia	2603 W 16th Ave
Fish Cafe	2053 W 41st Ave
Foodhall by ZUBU	159 W 4th Ave
Gastown Greek holdings	221 Carrall St
Giancarlo's Sports Bar	1865 Commercial Dr
Glitch Bar & Games Room	2287 W Broadway
Goodge Place/World Mosaic	1523 W 8th Ave
Grano Pizzeria	3240 Main St
Grapes & Soda	1541 W 6th Ave
Grub	4328 Main St
Gurkha Himalayan Kitchen	1141 Davie St, Unit 1
Handi Grill	3618 W Broadway
Hayan Mug	3702 Main St
Homer St Cafe and Bar	898 Homer St
Hon's Wonton House	1661 E Broadway
Incognito Coffee	843 Seymour St
Innocent Ice Cream (x2)	4895 Main St
Joey Burrard	820 Burrard St
Junction Public House	1138 Davie St
Keefer Bar	135 Keefer St
Kind Cafe	3080 Main St
King's Head Restaurant	1618 Yew St
Kokomo	2028 Vine St
Kozak Homemade Ukrainian Food	5077 Victoria Dr

Kwong Chow Congee & Noodle House	3163 Main St
L'Abattoir Restaurant	217 Carrall St
La Casita-Gastown	101 W Cordova St
La Notte Restaurant	3307 Dunbar St
Laduree	1141 Robson St
La Glace	2785 W 16th Ave
Little Bird Dim Sum	2958 W 4th Ave
Liquids+Solids	901 E Hastings St
Livia	1399 Commercial Dr
Local Gastown	3 Alexander St
Lotus Seed Vegan	736 W Broadway
Lucky Taco	1685 Yew St
Lucy's Eastside Diner	2708 Main St
Luppolo Brewing Company	1123 Venables
Mahonye and Sons	1055 Canada Pl
Main Street Brewing Company	261 E 7th Ave
Maison Da Nang Vietnamese Restaurant	5195 Victoria Dr
Manna Sushi	6 E 2nd Ave
MeeT on Main	4288 Main St
Milano Gastown	36 Powell St
Milk & Honey Cafe Inc	7743 Champlain Cres
Minerva Restaurant & Pizza	2411 W 41st Ave
Mitra Canteen /Uncle Abe's	3034 Main St
Moxie's	1160 Davie St, Unit 110
My Forno Pizza	1630 W Broadway
Neverland Tea Salon Ltd	3066 W Broadway
Nightingale	1017 W Hastings St
Nikkyu Japanese Restaurant	3302 Main St
Nook	1525 Yew St
Nuba Kitsilano	3116 W Broadway
Nuba Mount Pleasant (Cafe Nuba)	146 E 3rd Ave
Numbers	1042 Davie St
O Sushi	742 Granville St
Odd Society Spirits	1725 Powell St
OEB Breakfast Co	1137 Marinaside Cr
Off the Rail Brewing	1351 Adanac St
Old Bird	3950 Main St
Papa's Gourmet Pizza	3030 Main St

Papi's Seafood and Oyster Bar	1193 Denman St
Park Drive	1815 Commercial Dr
Pepino's Spaghetti House	631 Commercial Dr
Per Se Social Corner	891 Homer St
Pho Hong Restaurant	6348 Fraser St
Pink Elephant Thai Restaurant	1152 Alberni St
Pizza Carano	4241 Fraser St
Pizzeria Bufala	5395 W Blvd
Pourhouse Restaurant	162 Water St
Portland Craft	3835 Main St
Pourhouse Restaurant	162 Water St
Provence Marinaside	1177 Marinaside Cr
Pumpjack	1167 Davie St
Published Restaurant	3593 Main St
R&B Brewing/Ale and Pizza	54 E 4th Ave
Ragazzi Pizza	2996 E 22nd Ave
Red Racer	871 Beatty St
Red Truck Stop	6295 E 1st Ave
Regal Beagle Grill	2283 Broadway St
Restaurant at Urban Fare	177 Davie St
Resurrection Spirits Inc	1672 Franklin St
Rogue	601 W Cordova St
Rocky Mountain Flatbread	4186 Main St
Rocky Mountain Flatbread (Kits)	1876 W 1st Ave
Rogue	601 W Cordova St
Rogue Kitchen & Wetbar	602 West Broadway
Romers	1873 W 4th Ave
Romer's Burger Bar	8683 Kerr St
Salathai Thai Restaurant	102-888 Burrard St
Salty Tongue Cafe	212 Carrall St
Say Mercy	4298 Fraser St
Seiza Japanese Cuisine	3068 Main St
Simpatico	2222 W 4th Ave
Sing Sing Restaurant	2718 Main St
Sitar Restaurant	8 Powell St
Slickity Jim's Chat and Chew	3475 Main St
Slow Hand Beer Company	1830 Powell St
SMAK - Healthy Fast Food	545 Granville St
Small Victory Bakery	1088 Homer St
Soho	1283 Hamilton St
Sopra Sotto Pizzeria	1510 Commercial Dr

St. Augustine's	2360 Commercial Dr
Starbucks Coffee	580 Bute Street
Starbucks Coffee	3492 Cambie St
Starbucks Coffee	125 Davie St
Starbucks Coffee	4588 Fraser St
Starbucks Coffee	8002 Granville St
Starbucks Coffee	1095 W Pender St
Starbucks Coffee	398 Robson St
Starbucks Coffee	2193 W 41st Ave
Starbucks Coffee	3095 W Broadway
Steamworks	375 Water St
Strathcona Beer Company	895 E Hastings St
Street Kitchen	1950 Triumph St
SUSHIYAMA	371 E Broadway
Swiss Bakery	143 E 3rd Ave
Tabu	1489 E Hastings St
Tacofino	1909 W 4th Ave
Tacofino Gastown	15 W Cordova St
Tacofino Mount Pleasant Inc	8 E 5th Ave
Tap and Barrel	1055 Canada Place
TC Lions Pub	888 W Cordova St
Tea House	7501 Stanley Park Dr
Thai Away Home	1081 Granville St
The Acorn	3995 Main St
The American	926 Main St
The Basic	3048 Main St
The Brassneck Brewery	2148 Main St
The Cannibal Cafe	1818 Commercial Dr
The Cascade Room	2616 Main St
The Charlatan	1447 Commercial Dr
The Cheese Inn	4585 Dunbar St
The Cider House	1602 Yew St
The Ellis	2204 York Ave
The Federal Store	2601 Quebec St
The Five Point	3124 Main St
The Flying Pig Gastown	102 Water St
The Flying Pig Olympic Village	127 W 2nd Ave
The Fountainhead Pub	1025 Davie St
The Fringe Cafe	3124 W Broadway Ave
The GPO Bar + Kitchen	136 W Cordova St

The Greedy Pig	307 West Cordova St
The Irish Heather Gastro Pub	212 Carrall St
The Italians	1220 Bute St
The Listel Hotel (Forge Restaurant)	120 - 1300 Robson St
The Main	4210 Main St
The Meat Up	7994 Granville St
The Mexican	1049 Granville St
The Old Spaghetti Factory (Vancouver)	53 Water St
The Pawn Shop	1117 Granville St
The Pokeman	3742 W 10th Ave
The Portside Pub	7 Alexander St
The Reef Restaurant	4172 Main St
The Roost	1037 Denman Street
The Rumpus Room	2301 Main St
The Secret Garden Tea Company Inc	2138 W 40th Ave
The Stable House	1520 W 13th Ave
The Templeton	1087 Granville St
Timbertrain Coffee	311 W Cordova St
The Union Kitchen and Bar	219 Union St
The Wolf and Hound	3617 W Broadway
The Yale Saloon	1300 Granville St
Their There	2042 W 4th Ave
Tim Hortons	6501 Main St
Tocador	2610 Main St
TonTon Sushi	4018 Cambie St
TurF	2041 W 4th Ave, Unit 101
Ubuntu Canteen	4194 Fraser St
Ugly Dumpling	1590 Commercial Dr
Urban Fare	305 Bute St
Urban Fare	1688 Salt St
Urban Fare @ Shangri-la	1133 Alberni St
Urban Sushi	562 Granville St
Vancouver Performing Stars	3994 Fraser St
Vancouver Soup Company	292 E 1st Ave
Via Tevere Pizzeria Napoletana	1190 Victoria Dr
Wall Centre Vancouver Hotel	1088 Burrard St
Water St Cafe	300 Water St
Wallflower	2420 Main St

Whitespot #104	2518 W Broadway
Whitespot #125	1476 Kingsway
Whole Foods Market	510 W 8th Ave
WildTale/Ophelia	165 W 2nd Ave
Yagger's Kits	2884 W Broadway
Yaletown Brewing Co	1111 Mainland St
Yama Cafe	2007 E Hastings St
YiFang Taiwan Fruit Tea	4020 Cambie St
Yum Sweet Shop	4150 Main St
Yuwa Japanese Cuisine	2775 W 16th Ave
Zocalo Modern Cantina	646 Kingsway

Want to build a complex
patio or build a patio
with a permanent
structure?

Review the requirements to getting a:

- Development permit
- Building permit

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2018					
Date	Type	Conflict?	Vote No.	Item	Reason
Dec 4 2018	Council	WIEBE Conflict	n/a (by-law)	1. A By-law to designate certain real property as protected heritage property (3123-3129 West Broadway Street – Hollywood Theatre) (By-law No. 12324)	He sits on the Hollywood Arts Foundation Board
Dec 18 2018	Council	WIEBE Conflict	n/a (by-law)	7. A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (3123-3129 West Broadway Street – Hollywood Theatre) (By-law No. 12334)	

2019					
Date	Type	Conflict?	Vote No.	Item	Reason
July 9, 16 & 17	Council	WIEBE Conflict	4758	7. Dissolution of the South Fraser Street Collective Parking Project	He sat on the Board of Directors for EasyPark
10-Jul	PSP	WIEBE Conflict	4724	5. 208 East 12th Avenue – Donnelly Holdings Ltd. (Gift Shop)	His business is located within three blocks of the applicant's address.
26-Nov	Council	WIEBE Conflict	5170	5. Approval of Council Initiatives - BIA Renewal and Expansion 2020	He was involved as the President of the Mount Pleasant BIA of the expansion

2020					
Date	Type	Conflict?	Vote No.	Item	Reason
Feb 26 & Mar-3	CFS	WIEBE Conflict	5601	4. Approval of Downtown Vancouver Business Improvement Area Renewal and Mount Pleasant Business Improvement Area Expansion 2020	He was the former president of the Mount Pleasant Business Improvement Association.
10-Mar	Council	WIEBE Conflict	n/a (bylaw)	6. A By-law to designate an Expansion Business Improvement Area in that area of the City known as Mount Pleasant (By-law No. 12656)	
			6074	7. A By-law to grant money for a Business Promotion Scheme in the Mount Pleasant Expansion Business Improvement Area (By-law No. 12657)	He was involved in the expansion of the Mount Pleasant BIA
11-Jun	Special	WIEBE Conflict	6075	1. Zoning and Development By-law Amendments to Temporarily Allow Patios on Private Property for Businesses	He is part owner of a liquor primary establishment with a private patio
			6078	2. A By-law to Amend Street Vending By-law No. 10868 Regarding Amendment to Patio Definitions	
				3. A By-law to Enact Temporary Patio and Street Vending Fees	
				4. Motion: Expanding Occupant Load Capacity of Liquor Primary Establishments and Other Assembly Uses to Support COVID Economic Recovery	

24-Jun	PSP				Wiebe left on potential conflict during amendments (related to his restaurant) but then came back as that amendment was ruled out of order anyways (Declared a conflict <i>would have been</i> due to the amendment having financial impacts on the restaurant he owns) Councillor Wiebe then stated that since the Vancouver Food Policy Council requested the changes to the whereas clauses and the amendment was not reflected in the motion, he did not have a conflict of interest and would be voting on the motion.
30-Jun	Special (PH)	WIEBE Conflict	6156 & 6157	1. TEXT AMENDMENTS: Zoning and Development By-law Amendments to Temporarily Allow Patios for Businesses on Private Property	He is part owner of a liquor primary establishment with a private patio
7-Jul	Council	WIEBE Conflict	6164, 6165, 6166 & 6167	5. Alignment of Occupancy Limits between Building and Fire By-Laws	He is part owner of a liquor primary establishment
Jul 22, 23, 24 & 27	PSP	WIEBE Conflict	6261 & 6262	7. Decriminalizing Poverty and Supporting Community-led Safety Initiatives (an amendment)	His mother is on the board of one of the listed organizations. (conflicted on an amendment for the item, returned after vote, then conflicted on B in final vote)
29-Jul	Special	WIEBE Conflict	6272, 6273, 6274, 6275, 6276 & 6277	1. Alcohol Consumption in Public Spaces Pilot - Recommendations	He is part owner of a liquor primary establishment
			6279	2. A By-law to amend the City Land Regulation By-law No. 8735	

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From: R.E. YOUNG [mailto:reyoung@shaw.ca]
Sent: Thursday, July 23, 2020 11:18 AM
To: Wiebe, Michael
Cc: cherilowden; Aguilar, Andrew
Subject: [EXT] Conflict of Interest Disclosure

City of Vancouver security warning: Do not click on links or open attachments unless you were expecting the email and know the content is safe.

Dear Councillor Wiebe

I have been appointed by the Mayor to look into the current Code Of Conduct Complaint made by Mr. Redmond (an elector in the City of Vancouver). I would very much like to meet with you to discuss your voting recently in respect of the temporary Patio Program and related matters. The core of the complaint is that on several occasions when you seconded and voted on resolutions relating to the Patio program and permits related to that program, you failed to disclose any pecuniary interests in your restaurant related businesses that could or would be beneficially affected by the council resolutions that were being considered in various council meetings. I would be happy to discuss the issues with you and would be curious to know WHY you did not disclose your specific pecuniary interests in your seconding and voting on the patio restaurant issues. Please feel free to bring your lawyer along. Please choose a place and date where we could comfortably meet and discuss the issues of lack of pecuniary disclosure when you voted on May 13th and May 27th. My executive assistant Cheri Lowden will be present. Section 38 and Section 145 of the Vancouver Charter are relevant absent any pecuniary disclosure on your part relating to your active restaurant businesses.

Thanks

Ray Young

Hi Ray,

I would be happy to meet in person to explain my votes]yet I am a little concerned with the tone of your email. For context, I had legal advice in the council chambers on the votes in question and did on multiple occasions declare a conflict interest on patio and related votes because of my restaurant and related businesses.

Regards,

Michael Wiebe | he, him, his

City of Vancouver Councillor

michael.wiebe@vancouver.ca

t 604-873-7241

c 604-679-0890

Twitter @councillorwiebe

Facebook /councillorwiebe

Assistant:

Stala Wong

stala.wong@vancouver.ca

t 604-871-6713


I am humbly thankful that I live and work on the territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səł'lwətaʔ / səł'ł'witulh (Tsleil-Waututh) nations.

[Website](#) [VanConnect](#) [Twitter](#) [Facebook](#) [Talk Vancouver](#) [LinkedIn](#) [Instagram](#) 3-1-1

Conflict of interest disclosure

From : R.E. YOUNG <reyoung@shaw.ca>
Subject : Conflict of interest disclosure
To : Wiebe, Michael <Michael.Wiebe@vancouver.ca>
Cc : cherilowden <cherilowden@shaw.ca>

Sun, Aug 16, 2020 03:16 PM

 1 attachment

Dear Councillor Wiebe,

Thank you for your response. With the current uptick in COVID 19 infections and the ascending trend, it is prudent to conduct as much of this investigation as possible via email rather than meeting. In that regard, could you please provide an explanation of your votes on May 13th and 27th and clarification of your statement as follows:

LEGAL ADVICE IN THE COUNCIL CHAMBERS

What do you mean when you state, " For context, I had legal advice in the council chambers on the votes in question"

- a. Who provided you with advice in the council chambers?
- b. What date or dates did you receive the advice in the council chambers
- c. And what was the advice you were given in the council chambers ?

DETAILS OF YOUR DECLARATION OF CONFLICT OF INTEREST

- a. Please provide the dates that you declared a conflict of interest on patio and related votes "because of your restaurant and related businesses"
- b. What are "the restaurant and related businesses" that you had interests in that caused you to believe you were required to declare a conflict of interest?

Thanks

Ray Young

From: "Wiebe, Michael" <Michael.Wiebe@vancouver.ca>

To: "R.E. YOUNG" <reyoung@shaw.ca>

Sent: Thursday, July 23, 2020 1:54:02 PM

Subject: RE: Conflict of Interest Disclosure



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COUNCIL MEETING MINUTES

MAY 26, 2020

A Meeting of the Council of the City of Vancouver was held on Tuesday, May 26, 2020, at 9:30 am, in the Council Chamber, Third Floor, City Hall. This Council meeting was convened by electronic means as authorized under the Order of the Minister of Public Safety and Solicitor General of the Province of British Columbia – Emergency Program Act, Ministerial Order No. M139.

PRESENT:

Mayor Kennedy Stewart
Councillor Rebecca Bligh
Councillor Christine Boyle
Councillor Adriane Carr
Councillor Melissa De Genova*
Councillor Lisa Dominato*
Councillor Pete Fry
Councillor Colleen Hardwick
Councillor Sarah Kirby-Yung
Councillor Jean Swanson
Councillor Michael Wiebe

CITY MANAGER'S OFFICE:

Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager

CITY CLERK'S OFFICE:

Rosemary Hagiwara, Deputy City Clerk
Irina Dragnea, Meeting Coordinator

* Denotes absence for a portion of the meeting.

WELCOME

The Mayor acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Mayor also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

ACKNOWLEDGEMENT – World Multiple Sclerosis (MS) Day on May 30, 2020

The Mayor acknowledged that on May 30, 2020, Vancouver City Hall will light up to recognize World MS Day. The Mayor noted that this year's theme is 'Connection', a particularly important idea as we are challenged by social and physical isolation during the COVID-19 pandemic and that we must continue to advocate for life-long care and support for the 100,000 Canadians living with MS.

The Mayor recognized the caregivers who help their loved ones get through the daily challenges of life with MS and thanked the researchers who give hope to Canadians living with severe forms of this disease, for which there is no treatment or cure.

The Mayor encouraged people in Vancouver to join in on learning more about MS or getting involved in a local MS walk or bike tour, once these events resume.

IN CAMERA MEETING

MOVED by Councillor Hardwick

SECONDED by Councillor Carr

THAT Council will go into meetings later this week which are closed to the public, pursuant to Section 165.2(1) of the *Vancouver Charter*, to discuss matters related to paragraphs:

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 [disclosure harmful to business interests of a third party] of the Freedom of Information and Protection of Privacy Act;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

1. Council – May 12, 2020

MOVED by Councillor Boyle

SECONDED by Councillor Hardwick

THAT the Minutes of the Council meeting of May 12, 2020, be approved.

CARRIED UNANIMOUSLY

2. Public Hearing – May 12, 2020

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Swanson

THAT the Minutes of the Public Hearing of May 12, 2020, be approved.

CARRIED UNANIMOUSLY

3. Council (City Finance and Services) – May 13, 2020

MOVED by Councillor Carr
SECONDED by Councillor Hardwick

THAT the Minutes of the Council meeting following the Standing Committee on City Finance and Services meeting of May 13, 2020, be approved.

CARRIED UNANIMOUSLY

4. Special Council (Terms of Reference of Council COVID-19 Recovery Committee) – May 14, 2020

MOVED by Councillor Carr
SECONDED by Councillor Fry

THAT the Minutes of the Special Council (Terms of Reference of Council COVID-19 Recovery Committee) meeting of May 14, 2020, be approved.

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Hardwick
SECONDED by Councillor Kirby-Yung

THAT Council adopt Report 2 and Referral Reports 1 to 3, on consent.

CARRIED UNANIMOUSLY

PRESENTATIONS

1. **COVID-19 Pandemic Impacts: Financial Mitigation and Restoration of City Service Plan**
May 19, 2020

Patrice Impey, General Manager, Finance, Risk and Supply Chain Management, along with staff from Financial Planning and Analysis, and staff from Business Planning and Project Support,

provided a presentation on the Report dated May 19, 2020, entitled "COVID-19 Pandemic Impacts: Financial Mitigation and Restoration of City Service Plan".

* * * * *

At 10:37 am, during the staff presentation, it was

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Carr

THAT Council recess the meeting until 1 pm in order to go In Camera.

CARRIED UNANIMOUSLY

* * * * *

Council recessed at 10:38 am and reconvened at 1 pm, continuing with the presentation on agenda item 1 - COVID-19 Pandemic Impacts: Financial Mitigation and Restoration of City Service Plan.

* * * * *

Following the presentation, the City Manager, together with staff from Financial Planning and Analysis, and staff from Arts, Culture and Community Services, responded to questions.

MOVED by Councillor Carr
SECONDED by Councillor Boyle

THAT Council receive the Report dated May 19, 2020, entitled "COVID-19 Pandemic Impacts: Financial Mitigation and Restoration of City Service Plan", for information, and request that the Director of Finance share this information with the Park Board, Library Board and Police Board.

amended

CALLING THE VOTE MOVED by Councillor Carr
SECONDED by Councillor Fry

THAT Council take the vote on the motion on the floor, without any further debate.

LOST (Vote No. 05899)
(Councillors Bligh, De Genova, Dominato, Hardwick, Kirby-Yung and Swanson opposed)
(Councillor Wiebe abstained from the vote)

AMENDMENT MOVED by Councillor Kirby-Yung
SECONDED by Councillor Dominato

THAT the following be added as B:

THAT Council direct staff to retain the planned incremental funding of \$300,000 for quality core services to support improved street cleaning services which includes litter pickup and street sweeping.

LOST (Vote No. 05900)
(Councillors Boyle, Carr, Fry, Swanson, Wiebe and Mayor Stewart opposed)
(Councillor De Genova abstained from the vote)

AMENDMENT MOVED by Councillor Kirby-Yung
SECONDED by Councillor Dominato

THAT the following be added as B:

THAT Council direct staff to reduce the planned incremental funding of \$329,000 to support new hires for the City Manager's Office by \$95,000.

LOST (Vote No. 05901)
(Councillors Boyle, Carr, Fry, Swanson, Wiebe and Mayor Stewart opposed)
(Councillor De Genova abstained from the vote)

AMENDMENT MOVED by Councillor Swanson
SECONDED by Councillor Boyle

THAT the following be added as B:

THAT Council ask staff to find ways to preserve work and funding for equity and diversity issues, including the women's equity framework, racial equity and redress projects, reconciliation and urban Indigenous engagement, low barrier employment, computer access in low income neighbourhoods, the Mayor's Overdose Task Force, sexual harassment and violence prevention, and access without fear implementation.

CARRIED UNANIMOUSLY (Vote No. 05902)
(Councillors De Genova, Dominato and Hardwick abstained from the vote)

During debate on the above-noted amendment, Mayor Stewart relinquished the Chair to Councillor Wiebe, in order to participate in debate and resumed as Chair when completed.

At 3:03 pm, during debate on the above-noted amendment, Councillor De Genova rose on point of order under Section 8.7(f) of the *Procedure By-law*, noting the amendment seemed frivolous as this work is already being done by staff. Chair Wiebe consulted with staff and ruled the amendment in order.

AMENDMENT MOVED by Councillor Hardwick
SECONDED by Councillor Kirby-Yung

THAT the following be added as C:

THAT the proposed report back on "recalibration" of the Capital Budget, as set out in the Memorandum from the General Manager of Finance, Risk and Supply Chain Management, dated May 25, 2020, entitled "COVID-19 Pandemic Response & Recovery: 2019-2022 Capital Plan Recalibration", include priority ranking of projects from the Capital Plan and Budget that Council can consider to achieve savings of the "pay as you go" funding from the 2020 Operating Budget.

CARRIED (Vote No. 05903)
(Councillors Swanson and Wiebe opposed)
(Councillors Boyle and De Genova abstained from the vote)

AMENDMENT MOVED by Councillor Dominato
SECONDED by Councillor Kirby-Yung

THAT the following be added as D:

THAT Council direct staff to develop a decision making framework for prioritizing operating budget reductions which is guided by the priorities endorsed by Council (Budget 2020, page 24) and includes rationales for the reductions;

FURTHER THAT this framework and accompanying rationales for recommended operating budget reductions is included in all future COVID-19 pandemic impact and budget mitigation updates.

CARRIED (Vote No. 05904)
(Councillors Boyle, Carr, Swanson, Wiebe and Mayor Stewart opposed)
(Councillor De Genova abstained from the vote)

Prior to the vote, Council agreed to separate the components of the motion and with the amendments having either lost or carried, the motion as amended was put with A having CARRIED (Vote No. 05905) (*reconsidered*) with Councillors Dominato and Kirby-Yung opposed and Councillor Boyle abstaining from the vote, B having CARRIED UNANIMOUSLY (Vote No. 05906), C having CARRIED (Vote No. 05907) with Councillors Swanson and Wiebe opposed and Councillor Boyle abstaining from the vote, and D having CARRIED (Vote No. 05908) with Councillors Boyle, Carr, Swanson, Wiebe and Mayor Stewart opposed.

* * * * *

Subsequently,

RECONSIDERATION MOVED by Councillor De Genova
SECONDED by Councillor Kirby-Yung

THAT Council reconsider the vote on A.

CARRIED (Vote No. 05909)
(Mayor Stewart opposed)
(Councillor Boyle abstained from the vote)

MOVED by Councillor Carr
SECONDED by Councillor Boyle

- A. THAT Council receive the Report dated May 19, 2020, entitled "COVID-19 Pandemic Impacts: Financial Mitigation and Restoration of City Service Plan", for information, and request that the Director of Finance share this information with the Park Board, Library Board and Police Board.

CARRIED (Vote No. 05910)
(Councillors De Genova, Dominato and Kirby-Yung opposed)
(Councillor Boyle abstained from the vote)

* * * * *

FINAL MOTION AS APPROVED

- A. THAT Council receive the Report dated May 19, 2020, entitled "COVID-19 Pandemic Impacts: Financial Mitigation and Restoration of City Service Plan", for information, and request that the Director of Finance share this information with the Park Board, Library Board and Police Board.
- B. THAT Council ask staff to find ways to preserve work and funding for equity and diversity issues including the women's equity framework, racial equity and redress projects, reconciliation and urban Indigenous engagement, low barrier employment, computer access in low income neighbourhoods, the Mayor's Overdose Task Force, sexual harassment and violence prevention, and access without fear implementation.
- C. THAT the proposed report back on "recalibration" of the Capital Budget, as set out in the Memorandum from the General Manager of Finance, Risk and Supply Chain Management, dated May 25, 2020, entitled "COVID-19 Pandemic Response & Recovery: 2019-2022 Capital Plan Recalibration", include priority ranking of projects from the Capital Plan and Budget that Council can consider to achieve savings of the "pay as you go" funding from the 2020 Operating Budget.

- D. THAT Council direct staff to develop a decision making framework for prioritizing operating budget reductions which is guided by the priorities endorsed by Council (Budget 2020, page 24) and includes rationales for the reductions;

FURTHER THAT this framework and accompanying rationales for recommended operating budget reductions is included in all future COVID-19 pandemic impact and budget mitigation updates.

UNFINISHED BUSINESS

1. **Adopt Report of the Standing Committee on City Finance and Services Meeting on May 13, 2020**

COMMITTEE REPORTS

Report of Standing Committee on City Finance and Services
Wednesday, May 13, 2020,

Council considered the report containing the recommendations and actions taken by the Standing Committee on City Finance and Services. Its item of business included:

1. Presentation: COVID 19 - Mobility and Public Space Responses
2. Flexible, Innovative and Expedited Patio Permitting
3. Working for More Housing Affordability in the Cambie Corridor

Items 1 to 3

MOVED by Councillor De Genova
SECONDED by Councillor Carr

THAT the recommendations and actions taken by the Standing Committee on City Finance and Services meeting of May 13, 2020, as contained in items 1 to 3, be approved.

CARRIED UNANIMOUSLY (Vote No. 05920)

REPORTS

1. **Sewage and Rainwater Management Plan for Vancouver
May 13, 2020**

MOVED by Councillor Bligh
SECONDED by Councillor Fry

- A. THAT Council approve the approach outlined in the Report dated May 13, 2020, entitled "Sewage and Rainwater Management Plan for Vancouver", to develop a comprehensive sewage and rainwater management plan for Vancouver, to address pollution from sewage and urban run-off along with risks presented by

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COUNCIL MEETING MINUTES

JUNE 9, 2020

A Meeting of the Council of the City of Vancouver was held on Tuesday, June 9, 2020, at 9:33 am, in the Council Chamber, Third Floor, City Hall. This Council meeting was convened by electronic means as authorized under the Order of the Minister of Public Safety and Solicitor General of the Province of British Columbia – Emergency Program Act, Ministerial Order No. M139.

PRESENT:

Mayor Kennedy Stewart
Councillor Rebecca Bligh
Councillor Christine Boyle
Councillor Adriane Carr
Councillor Melissa De Genova
Councillor Lisa Dominato
Councillor Pete Fry
Councillor Colleen Hardwick
Councillor Sarah Kirby-Yung
Councillor Jean Swanson
Councillor Michael Wiebe

CITY MANAGER'S OFFICE: Sadhu Johnston, City Manager

CITY CLERK'S OFFICE: Rosemary Hagiwara, Acting City Clerk
Bonnie Kennett, Meeting Coordinator

WELCOME

The Mayor acknowledged we are on the unceded territories of the Musqueam, Squamish, and Tsleil-Waututh Nations and we thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Mayor also recognized the immense contributions of the City of Vancouver's staff who work hard every day to help make our city an incredible place to live, work, and play.

IN CAMERA MEETING

MOVED by Councillor Fry

SECONDED by Councillor Hardwick

THAT Council will go into meetings later this week which are closed to the public, pursuant to Section 165.2(1) of the *Vancouver Charter*, to discuss matters related to paragraphs:

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

1. Council – May 26, 2020

MOVED by Councillor Kirby-Yung
SECONDED by Councillor Carr

THAT the Minutes of the Council meeting of May 26, 2020, be approved.

CARRIED UNANIMOUSLY

2. Public Hearing – May 26, 2020

MOVED by Councillor De Genova
SECONDED by Councillor Carr

THAT the Minutes of the Public Hearing of May 26, 2020, be approved.

CARRIED UNANIMOUSLY

3. Special Council (Temporary Patio Program) – May 27, 2020

MOVED by Councillor Bligh
SECONDED by Councillor De Genova

THAT the Minutes of the Special Council (Temporary Patio program) meeting of May 27, 2020, be approved.

CARRIED UNANIMOUSLY

4. Public Hearing – May 28, 2020

MOVED by Councillor Kirby-Yung
SECONDED by Councillor De Genova

THAT the Minutes of the Public Hearing meeting of May 28, 2020, be approved.

CARRIED UNANIMOUSLY

5. Council COVID-19 Recovery Committee – June 3, 2020

MOVED by Councillor Carr

SECONDED by Councillor Bligh

THAT the Minutes of the Council COVID-19 Recovery Committee meeting of June 3, 2020, be approved.

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Carr

SECONDED by Councillor De Genova

THAT Council adopt Communication 2 and Reports 1 to 3, on consent.

CARRIED UNANIMOUSLY

PRESENTATIONS

1. Places for People: Downtown Public Space Strategy

Gil Kelley, General Manager, Planning, Urban Design and Sustainability, and Lon LaClaire, General Manager, Engineering Services, along with staff from Planning, Urban Design and Sustainability and Engineering Services, provided an overview of the Downtown Public Space Strategy which sets out a vision for a public realm that puts people first and supports a vibrant, equitable, safe, healthy and well-connected Downtown, and responded to questions.

* * * * *

At 11:05 am, it was

MOVED by Councillor De Genova

SECONDED by Councillor Hardwick

THAT Council have a second round of questions to staff.

LOST (Vote No. 06035)

(Councillors Bligh, Boyle, Carr, Dominato, Fry, Swanson, Wiebe and Mayor Stewart opposed)

* * * * *

Council heard from three speakers in support of the recommendations.

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From: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>
To: "Direct to Mayor and Council - DL"
CC: "City Manager's Correspondence Group - DL"
Date: 12/10/2018 7:31:37 PM
Subject: Memo - Protocol for Potential Conflicts of Interest
Attachments: 20181210135955924.pdf

Good afternoon Mayor and Council,

The attached memo from Katrina Leckovic, City Clerk, provides Council with a protocol for handling potential conflicts of interest.

Where a member of Council may have a conflict of interest on a matter being brought forward at a Council meeting, it is beneficial to Council and staff to identify same as early as possible in the Council agenda distribution process. This memo outlines the steps a Council member should take in alerting the City Clerk of potential conflict of interest well in advance of a Council meeting. This assists staff to advise Council on how to proceed at a Council meeting where a potential conflict of interest relates only to a portion of an agenda item or report.

Should you have further questions, please contact Katrina Leckovic at 604.879.7998 or Katrina.Leckovic@vancouver.ca.

Best,
Sadhu

Sadhu Arifochs Johnston | City Manager
City of Vancouver | 453 W 12th Avenue
Vancouver | BC V5Y 1V4
604.873.7627 | Sadhu.johnston@vancouver.ca
Twitter: [sadhuajohnston](https://twitter.com/sadhuajohnston)



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CITY CLERK'S DEPARTMENT
Office of the City Clerk

MEMORANDUM

December 10, 2018

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Rena Kendall-Craden, Communications Director
Francie Connell, Director, Legal Services
Rosemary Hagiwara, Deputy City Clerk
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Anita Zaenker, Chief of Staff, Mayor's Office

FROM: Katrina Leckovic, City Clerk

SUBJECT: Protocol for Supplementing Council Meeting Packages to Assist
with Potential Conflicts of Interest

Background

Where a member of Council may have a conflict of interest on a matter being brought forward at a Council meeting, it is beneficial to Council and staff to identify same as early as possible in the Council agenda distribution process.

Where the conflict of interest relates only to a portion of an agenda item or report recommendation, the City Clerk has in the past, advised Council to separate the item or recommendation so as to ensure that the conflicted member may participate in the balance of the meeting and not unduly recuse themselves from Council's business. This practice also assists Council to efficiently and effectively conduct their business. Where potential conflicts of interest are raised with staff early in the process, staff may assist the member and Council with advice on how to proceed at the Council meeting, prior to the meeting. This protocol assists the Council member in question to recuse themselves only from the portion of the Council meeting where a conflict exists, so that they may participate to the extent possible in the remainder of Council's business.

The purpose of this memorandum is to inform Council and staff of this protocol, in writing, so that it is well understood and can be implemented more effectively in the future.

City of Vancouver, City Clerk's Department
Office of the City Clerk
453 West 12th Avenue
Vancouver, British Columbia V6Y 1V4 Canada
vancouver.ca



The Protocol

1. General Principles

This Protocol is managed by the City Clerk.

Questions as to whether or not a conflict of interest exists will (as required by the *Vancouver Charter*) continue to be the sole responsibility of each member of Council.

2. Protocol for Specific Council Reports

a. Budget – and Budget Related Reports

For reports on the Operating Budget, Capital Budget, 5-Year Financial Plan, and quarterly adjustments and other interim changes to previously approved budgets, the Director of Finance will provide the budget books or budget related documentation to Council as far in advance as possible.

The budget information is typically produced one or two weeks prior to the drafting of the related Council report and will provide Councillors with ample opportunity to review the detailed budget documents and check for potential conflicts of interest. In the case of quarterly adjustments and other interim changes, the related Council report is generally provided to Council and the public one week in advance of the associated Council meeting as part of the Council package, during which time Councillors have the opportunity to review the report and determine whether they have a potential conflict of interest.

b. Grant Reports

Upon receipt of the Council agenda package, it is recommended that Council members review the list of recommended grant recipients, which are listed in the body of the Council report.

If any proposed grant recipient raises a potential conflict of interest concern for a member of Council, they should contact the City Clerk. The City Clerk may, at the request of the Council member, request a corporate search, if appropriate, from Legal Services or more information from the City department processing the grant application to gain further information on the persons or entities associated with the proposed recipient.

c. Zoning and Development Reports and Related Enactment By-laws

The City Clerk will provide a table listing the item number and the associated Applicant name (usually these are developers but legally could be anyone owning property and requesting a rezoning of their property) with the Council agenda package.

Legal Services will support the City Clerk by:

- (i) checking legal title and confirming for the City Clerk the legal owner of the applicable property where the matter involves an enactment by-law,

(ii) conducting and providing to the City Clerk a corporate search where the Applicant is a numbered company, and

(iii) conducting a corporate search where a Councillor has requested such supplementary information on any particular Applicant.

Planning and Development Services will support the City Clerk by providing the names of each Applicant where the report does not involve a rezoning enactment by-law (e.g. Forms of Development).

d. All Other Reports

For any reports not listed above, the City Clerk will assist Council members upon request.

3. Protocol Following Receipt of Council Agenda Package

Where, following receipt and review of the Council agenda package and the supplemental information provided by the City Clerk, a Council member wishes to declare a conflict of interest, they should notify the City Clerk as soon as possible.

The City Clerk will then assist the Council member to:

- (a) recuse themselves from the applicable agenda item or recommendation (where the conflict relates to the entire item on the agenda), or
- (b) recuse themselves from the portion of the agenda item or portion of recommendation (where the conflict is more limited in scope than the entire agenda item).

Where (b) applies, and the City Clerk determines that such an approach is feasible (in consultation with the affected Council member, the applicable Department Head, and the City Solicitor) the City Clerk will endeavour to draft, in advance of the Council meeting, a revised separated set of recommendations so that the amended and separated recommendations can be considered immediately following the Council member's declaration of conflict at the applicable council meeting in direct response to the conflict declaration.

Summary

We trust the above is of assistance and would be pleased to clarify or expand on any of the above. Please contact me directly at 604.879.7998 or katrina.leckovic@vancouver.ca with questions relating to this Protocol.

Sincerely,



Katrina Leckovic
City Clerk
katrina.leckovic@vancouver.ca
604.879.7998

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RE: [EXT] Re: Council Agenda Distribution Process

From : Aguilar, Andrew <Andrew.Aguilar@vancouver.ca> Tue, Aug 25, 2020 12:57 PM
Subject : RE: [EXT] Re: Council Agenda Distribution Process 1 attachment
To : 'Cheri Lowden' <cherilowden@shaw.ca>
Cc : Ray Young <reyoung@shaw.ca>, Twa, Jason
<Jason.Twa@vancouver.ca>

Hello Cheri,

The City Clerk is away s.22(1) for the next two weeks. Please see the below response from Tina Penny, Director, Legislative Operations:

1. Could you please provide the dates that agendas for the May 13 and May 27 council meetings were sent to the councillors and received by them.

May 13 Standing Committee on City Finance and Services agenda was sent on Wednesday, May 6 at 4:34pm. May 27 Standing Committee on Policy and Strategic Priorities agenda was sent on Wednesday, May 20, 2020, at 3:25 pm.

2. Also could you provide records of councillor Wiebe advising the Clerk of any conflicts of interest in regard to these agendas after receiving the agenda and prior to the meetings.

Neither I nor my staff are aware of any advice from Cllr. Wiebe of any conflicts for the May 13, 2020 or May 27, 2020 Standing Committee meetings. Although Rosemary may have already provided you with the attached excel spreadsheet listing Cllr. Weibe's formal disclosure of any pecuniary interests from January 1, 2019 to June 30th, 2020, I have attached it to show our record.

-----Original Message-----

From: Cheri Lowden [mailto:cherilowden@shaw.ca]
Sent: Sunday, August 23, 2020 6:23 PM
To: Aguilar, Andrew
Cc: Ray Young
Subject: [EXT] Re: Council Agenda Distribution Process

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- (7) A person taking office on Council may also make an oath of allegiance.
- (8) Once a member of Council takes office, the member is entitled to hold that office through its term and to vote and otherwise act in the office during that time unless the member resigns or becomes disqualified.

2014-19-159.

Repealed

141. [Repealed 2014-19-160.]

Resignation from office

- 142.** (1) A member of Council may resign from office only by delivering a written resignation to the City Clerk.
- (2) A resignation becomes effective when it is received by the City Clerk, even if a later date is set out in the resignation, and may not be revoked after the time it is received.
- (3) The City Clerk must notify the Council of a resignation at its next meeting after the resignation is received or, if there are no other Council members, the City Clerk must notify the minister.

1993-54-62; B.C. Reg. 5/2010.

Application to court for declaration of disqualification

- 142.1** (1) If it appears that a person is disqualified under section 38 (2), other than subsection (2) (f) of that section, and is continuing to act in office,
- (a) 10 or more electors of the city, or
 - (b) the city,
- may apply to the court for an order under this section.
- (2) As a restriction, the city may only make an application under subsection (1) if this is approved by a resolution that
- (a) is adopted by a vote of at least two-thirds of all Council members, and
 - (b) identifies the grounds for disqualification under section 38 (2) that the Council considers apply.
- (3) Sections 145.2 [*disclosure of conflict*] and 145.3 [*restrictions on participation if in conflict*] do not apply to the Council member who is subject to a resolution referred to in subsection (2) of this section in relation to that resolution.
- (4) An application under this section may only be made within 45 days after the alleged basis of the disqualification comes to the attention of

- (a) any of the electors bringing the application, in the case of an application under subsection (1) (a), or
 - (b) any member of Council other than the person alleged to be disqualified, in the case of an application under subsection (1) (b).
- (5) Within 7 days after the petition commencing an application under this section is filed, it must be served on
 - (a) the person whose right to hold office is being challenged, and
 - (b) in the case of an application under subsection (1) (a), the city.
- (6) On the hearing of the application, the court may declare
 - (a) that the person is qualified to hold office,
 - (b) that the person is disqualified from holding office, or
 - (c) that the person is disqualified from holding office and that the office is vacant.

1993-54-62; 2003-52-503; 2014-19-161.

Status of person subject to an application

- 142.2** (1) A person who is subject to an application under section 142.1 and who considers that he or she is qualified to hold office may continue to act in office pending the determination of the court respecting the application.
- (2) If a person who is declared disqualified from holding office by the court appeals the decision, the appeal does not operate as a stay of the declaration and the person is disqualified pending the final determination of the appeal.
- (3) If a declaration of disqualification referred to in subsection (2) is overturned on final appeal and the term of office for which the person was elected has not ended,
- (a) the person is entitled to take office for the remainder of the term if otherwise qualified, and
 - (b) for this purpose, any other person elected or appointed to the office since the declaration of disqualification ceases to hold office at the time the person declared qualified takes office.

1993-54-62; 2003-52-503.

Costs of an application

- 142.3** (1) In the case of an application under section 142.1 made by a group of electors, if the court declares that the person challenged is not qualified to hold office, the city must promptly pay the electors' costs within the meaning of the Supreme Court Civil Rules.
- (2) The court may order that costs to be paid under subsection (1) may be

recovered by the city from the person who was declared disqualified or any other person as directed by the court in the same manner as a judgment of the court.

- (3) Except as provided in subsection (1), the costs of an application are in the discretion of the court.

2003-52-503; 2010-6-97.

Time of Council meetings

143. (1) Following a general local election, the first meeting of the Council shall be on the first Monday after November 1 in the year of the election.

- (2) If a quorum of Council members elected at the general local election has not taken office by the time referred to in subsection (1), the first meeting of the Council shall be called by the City Clerk and held as soon as reasonably possible after a quorum has taken office.

- (3) After the first meeting, the Council must meet as it decides and as provided in this Act.

- (4) Subject to subsection (6), if a Council member is absent from Council meetings for

(a) a period of 60 consecutive days, or

(b) 4 consecutive regularly scheduled Council meetings,

whichever is the longer time period, the Council member is disqualified from holding office in accordance with subsection (5).

- (5) Disqualification under subsection (4) is disqualification from holding office

(a) on Council or on the Park Board,

(b) on any other local government, or

(c) as a trustee under the *Islands Trust Act*

until the next general local election.

- (6) The disqualification under subsection (4) does not apply if the absence is because of illness or injury or is with the leave of the Council.

1993-54-62; 2014-19-162,188.

Validity of Council proceedings

144. A by-law, resolution, order, contract or other proceeding of the Council shall not be set aside or declared invalid by reason only that

(a) a person sitting or voting as a member of Council was not qualified to be a member of Council at or before the time of the proceeding,

(b) a member of Council renounced claim to office on Council,

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ⓘ This page may be out of date as we respond to COVID-19. Get the latest updates, service changes, and community supports at vancouver.ca/covid19.



Get a patio permit for a restaurant or cafe

Permits are available for a restaurant or cafe patio located on a:

- Sidewalk
- ✓ Restaurant/cafe's property

ⓘ Before applying for a patio permit, you need to

Temporary Expedited Patio Program (TEPP)

To support business recovery due to COVID-19, we have created an expedited patio

connections.

measures outlined by the
Provincial Health Officer.

Approved temporary patio
locations

Steps to getting a temporary expedited patio permit

There are five types of temporary expedited patio permits:

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Close

- Partly public property patio

① All patios applied for through the temporary expedited patio process must be removed on November 1, 2020.

- |



Step 1: Review the requirements

① Any permit has to comply with Provincial Health Officer ☒ requirements regarding safe business operational protocols.

A. Review business requirements

- 2020 business licence (Not required for patios entirely on private property)
- Public property liability insurance coverage for each location with a patio permit (Not required for patios entirely on private property)
- Provincial COVID-19 temporary extension permit (If you serve liquor)
- Written permission from your neighbouring property owner or tenant if you want to use the space in front of a neighbouring business
- Notified your Business Improvement Association (BIA), if you are in a BIA area

B. Review design requirements

For your application to be accepted:

- An accessible design, with ramps, is necessary
- A clear exit path from the door to the sidewalk that is at least as wide as the door
- Patios with liquor service need an exterior temporary railing (May include fixed benches for partly public property patios only)
- A deck to accommodate a sidewalk slope exceeding 5%, or to meet accessibility requirements (Partly public property patios only)
- No gas, sprinkler, and electrical systems additions or upgrades
- No increased capacity (Follow your existing occupancy permit and Provincial Health Officer)

- No patio access through the business kitchen or employee-only areas
- No permanent structures
- No above-ground build such as on rooftops, balconies, over parkades, etc.
- No blocking of any entrances and exit, loading, garbage, and and/or recycling zones
- No structures that need to be anchored into a street or sidewalk deeper than 10 centimetres (Partly public property patios only)

① Curbside patios must have a 1 metre spot available after every two parking spots for emergency vehicle access.

① Patios with semi-permanent construction must be inspected before the patio can open.

① Patio proposals on public property must meet ALL patio requirements (for example, clearances) outlined in the Temporary Expedited Patio Program Info Guide for patios on public property (3 MB)

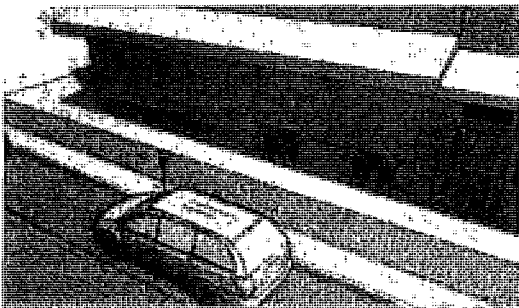
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Step 2: Determine the type of patio and its location

A. Determine the type of patio you are applying for

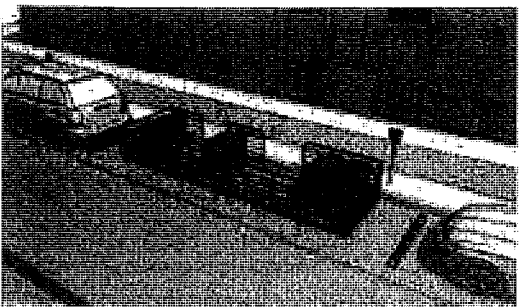
I. Public patio

Small sidewalk patio



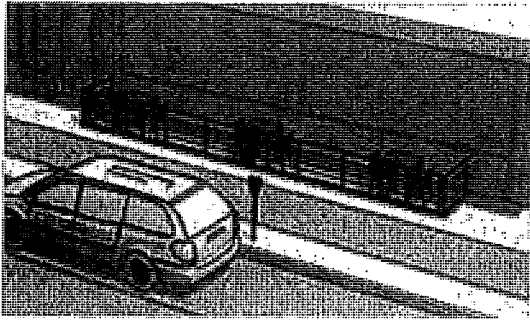
- Furniture on sidewalk, removed at the end of the day
- No railing
- No liquor service

Curbside patio



- Furniture on street in parking spaces
- Railing required
- Liquor service if you have a liquor licence

Large sidewalk



- Furniture on sidewalk
- Railing required
- Liquor service if you have a liquor licence

II. Private or partly public property patio

No construction

- Furniture that you can leave out at the end of the day
- Railing required
- Liquor service if you have a liquor licence
- Wheelchair accessibility and seating
- Fencing that is 1.22 metres (4 feet) tall but not anchored to the ground

Semi-permanent construction (Private property patio only)

- Railing required to prevent falls (securely fastened to the platform structure)
- Liquor service if you have a liquor licence
- Wheelchair accessibility and seating
- Platform that is less than 0.6 metres (2 feet) above the ground

Semi-permanent construction (Partly public property patio only)

- Furniture that you can leave out at the end of the day
- Railing required (no drilling into the pavement more than 10 centimetres)
- Liquor service if you have a liquor licence
- Wheelchair accessibility and seating
- Platform is only allowed where the sidewalk slope is greater than 5% or to meet accessibility requirements
- Platform that is less than 0.6 metres (2 feet) above the ground

B. Determine where the patio will be located

- Entirely on public property (road, on-street, or sidewalk space)
- Partly or entirely on private property

• +

Step 3: Verify insurance, apply to temporarily expand your liquor service

area, and notify BIA and neighbours

A. Verify your insurance

① Patios located entirely on private property are not required to submit proof of liability insurance coverage.

If your temporary patio is entirely on or partly on public property, you will need proof of liability insurance coverage for each location where you apply.

The insurance must:

- Have an inclusive limit of:
 - \$5,000,000 public liability and property damage for large/curbside patios
 - \$2,000,000 for small patios
- Be cross-liability
- Name the City of Vancouver as the insured party

Download the liability insurance certificate template (181 KB)

① You or your insurance broker must submit a completed Liability Insurance Certificate within five business days of submitting this application. If we do not receive the completed certificate within five business days, we may revoke your permit.

B. Apply to temporarily expand your liquor service area with the Province of BC

If you are serving liquor on the temporary patio:

Apply for the Province's COVID-19 Temporary Extension [\[7\]](#)

C. Notify your business improvement association (BIA)

If you are in a business improvement area, please notify your BIA.

D. Get written permission from neighbouring property owner or tenant

If you want to use the space in front of an adjacent business, get written permission from your neighbouring property owner or tenant.

Download the letter of approval template (224 KB)



Step 4: Take measurements, develop drawings, and take photos

A. Measure proposed patio space

Your patio needs to meet specific measurements for safety clearance. Use these measurements when you draw a plan of your proposed patio.

- Follow all measurements in the orders, notices, and guidance from the Provincial Health Officer for food service establishments and liquor services [\[7\]](#)
- Measure the distance between your patio(s) and any nearby utility access points, fire hydrants, fire department connections, parking meters, street signs, and street lights.

- ① We require a minimum distance to these items for safety.

I. Public property patio

Small patio

- 2.4 metres from patio tables to parking meters, street signs, and street lights (minimum), OR
- 2.9 metres from patio benches (minimum)
- 0.5 metres from patio to fire department connections (minimum)

Curbside patio

- 1.8 metres maximum width (maximum)
- 5 metres from patio to fire hydrants or to the middle of fire department connections (minimum)
- 0.5 metres from patio to utility access points (minimum)
- Must have a 1 metre spot available after every two parking spots for emergency vehicle access
- Patios near the corner of a block: 6 metres from patio to stop sign or to the nearest edge of the closest sidewalk on an intersecting street (minimum)

Large patio

- 1.1 metres patio aisle (minimum)
- 0.5 metres from patio to fire department connections (minimum)
- 0.5 metres from patio to utility access points (minimum)

II. Private or partly public patio

No construction

- 1.1 metres patio aisle (minimum)
- 0.5 metres from patio to fire department connections (minimum)
- 0.5 metres from patio to utility access points (minimum)
- No construction and no building or drilling into pavement more than 10 centimetres

Semi-permanent structure (Private property patio only)

- 1.1 metres patio aisle (minimum)
- 0.5 metres from patio to fire department connections (minimum)
- 0.5 metres from patio to utility access points (minimum)
- 1.22 metres (4 feet) high fencing
- Patio must be less than 600 millimetres (2 feet) above ground

Semi-permanent structure (Partly public property patio only)

- 1.1 metres patio aisle (minimum)
- 0.5 metres from patio to fire department connections (minimum)
- 0.5 metres from patio to utility access points (minimum)
- 1.22 metres (4 feet) high fencing
- No drilling into pavement more than 10 centimetres
- Patio must be less than 600 millimetres (2 feet) above ground
- Platform is only allowed where the sidewalk slope is greater than 15% or to meet accessibility requirements

Don't see your patio type? Please email permitquestions@vancouver.ca

① Applications for temporary expedited patio permits will not be accepted through email.

B: Update drawings

Sidewalk and curbside patios

Use the template and included patio requirements to draw your patio plan.

- Small sidewalk patio template (2.9 MB)
- Large sidewalk patio template (3 MB)
- Curbside patio template (4 MB)

Save the plan as a JPG, GIF, PNG, PDF, or DOC file (50 MB maximum file size).

Review drawing requirement for a private property patio (456 KB)

C. Take photos

Include the buildings, street, and any parking meters in your photo.

① Photos from Google Street View aren't accepted.

① Photos are mandatory.



Step 5: Make sure you have the necessary documents and apply for permit

A. Determine that you have all of the necessary documents

- 2020 business licence (Not required for patios entirely on private property)
- Drawing(s) of your proposed patio
- Photo of the patio area
- Liability insurance certificate (Not required for patios entirely on private property)
- Letter of approval from adjacent businesses (If using adjacent business's property)

B: Apply for permit

Fees for application and permit are \$0.

① The \$0 fee is for new applicants only to the Temporary Expedited Patio Program and does not include those renewing their annual patio permits or summer patio permits through our regular patio programs

⊕ We apologize that Google Translate doesn't work on this form. To complete this form in your language, phone 3-1-1 and ask for an interpreter.

① Applications for temporary expedited patio permits will not be accepted through email.

C. Submit Liability Insurance Certificate

① Not required for patios entirely on private property.

You or your insurance broker must submit a completed Liability Insurance Certificate by email within five business days of submitting this application. If we do not receive the completed certificate within five business days, we may revoke your permit.

D. Permit reviewed and get permit

If you meet all of the mandatory requirements, you can expect to receive your temporary expedited patio permit for a patio:

- Entirely on public property within two business days of submitting your completed application
- With no construction (building or drilling into pavement) on private or partly public property within five business days of submitting your completed application
- With a semi-permanent structure on private or partly public property, we'll prioritize your application and contact you to discuss your next steps.

Curbside patio

If you applied for a curbside patio and we issue your permit, our crews will work with you to prepare the street parking spaces for your patio.

Temporary patio locations



Approved locations



23

24

25

RE: Conflict of interest complaint**From :** Aguilar, Andrew <Andrew.Aguilar@vancouver.ca>

Wed, Sep 02, 2020 02:39 PM

Subject : RE: Conflict of interest complaint

1 attachment

To : 'Cheri Lowden' <cherilowden@shaw.ca>**Cc :** Ray Young <reyoung@shaw.ca>

Hello Cheri,

In answer to your last several emails:

I have followed up on these questions and the previous questions regarding the number of permits issued to date.

I attach the email by which Cllr. Wiebe was informed of the complaint.

I have followed up on revising the summary of conflicts declared by Cllr Wiebe and on confirming that the date header on the June 30, 2020 Special Council Minutes is a typo.

Here is a summer of business licenses applied for/issued to restaurants and bars in 2019:

Restaurants (Class 1 and Class 2) – 1,798 of which 1,657 are fully issued

Liquor Establishments (standard and extended) – 217 of which 206 are fully issued

Ltd Food Service (16 seats or less) – 1,374 of which 1,264 are fully issued.

Please let me know if I am missing anything.

Yours truly,

Andrew

-----Original Message-----

From: Cheri Lowden [mailto:cherilowden@shaw.ca]

Sent: Saturday, August 29, 2020 5:19 PM

To: Aguilar, Andrew

Cc: Ray Young

Subject: Conflict of interest complaint

ⓘ This page may be out of date as we respond to COVID-19.

Get the latest updates, service changes, and community supports at vancouver.ca/covid19.

#RestartSmartVancouver

City issues over 280 temporary patio permits, and counting...



Translate this page:

Select Language ▼

Available on select pages that support our COVID-19 response.

more than 280 temporary patio permits to support businesses throughout their recovery from COVID-19. Temporary patios allow food and liquor serving establishments to expand their indoor seating outside and maintain physical distancing requirements. Local businesses can apply online for their free patio permit at vancouver.ca/patio-permits. Permits are valid until October 31 and allow businesses to immediately take advantage of patio season in Vancouver.

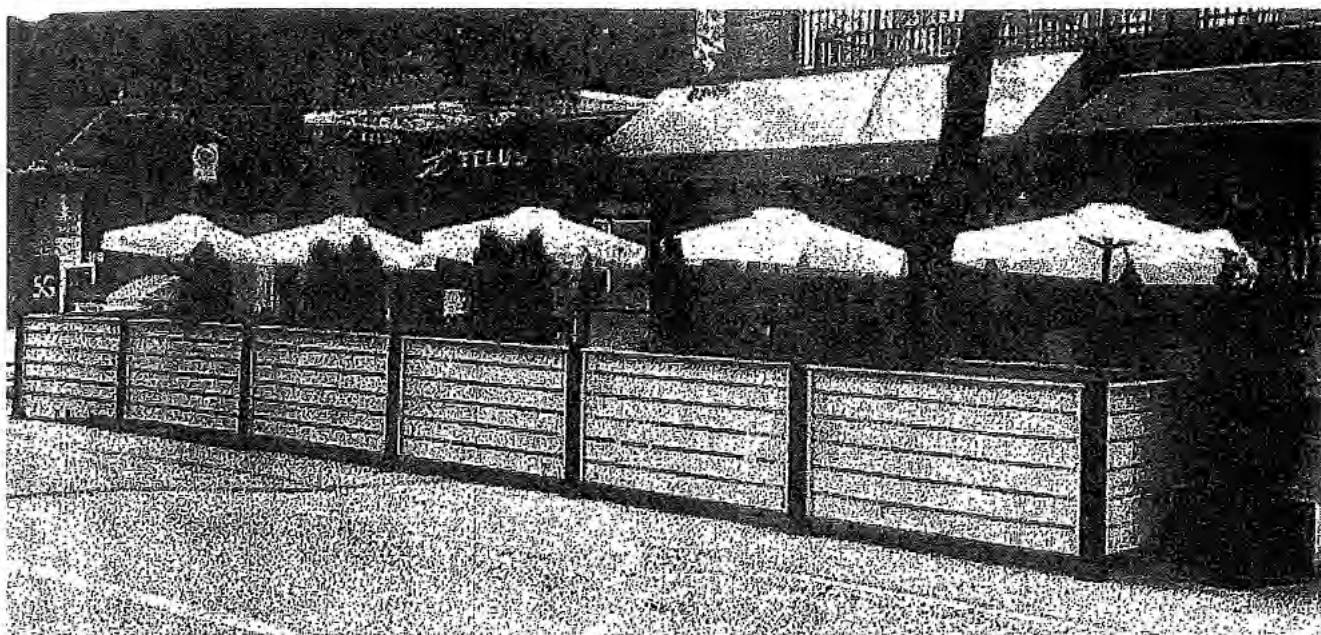


Photo by Ladurée Canada

Quotes from patio owners

“It was great to see that in this time of crisis, our city has really come together to support small businesses by providing us with a fast, quick, and easy way to expand our seating outside,” said Mark Moody, owner of the Templeton restaurant on Granville Street. “The TEPP team was nothing short of impressive. They removed the red tape and delivered our permit within two days.”

“The patio program has been so important to us as we try to get back to regular operations,” said Jeff Barr, co-owner of Their There / Hundy coffee shop and restaurant on W 4th Avenue. “Our space is very tight and cozy so having guests back in our room would not be possible while maintaining proper social distance measures. Having a patio provides not only an amazing seating option but really helps the overall dining culture in Vancouver!”

“Since launching the program on June 1, we have issued 290 patio permits. Here’s a breakdown of the permits received to date:

	Public patios	Private patios
Approved	232	58
Under review	7	8
Outside scope	103	0
Total	342	66

Quotes from City staff

“We know this temporary outdoor space is important to businesses, and our dedicated team is quickly reviewing applications as they are received. To speed up the application process, we’ve provided template patio drawings for businesses to use in their online application,” said Jessie Adcock, General

Manager of Development, Buildings and Licensing. "Businesses who meet the mandatory requirements can expect to receive their permit within two business days of submitting their completed application for patios on a public property and within five days for patios on private property that do not require construction."

"Shaping how we use streets and public spaces has been critical to supporting businesses through COVID-19 recovery," said Lon LaClaire, General Manager of Engineering Services. "From extending sidewalks to provide room for queues to temporary plazas and patios our team is committed to innovative solutions so that residents can safely enjoy outdoor spaces this summer."

For more information on the Temporary Expedited Patio Program and a full list of approved patio locations, visit vancouver.ca/temporary-patio.

Background

- On May 12, Council directed staff to work on a new, faster online application process to provide increased flexibility for restaurants to provide service outdoors
- On June 1, we launched the Temporary Expedited Patio Program and online application process for patios on public property
- On June 11, Council approved bylaw amendments to include patios on private property as part of the Temporary Expedited Patio Program
- On June 25, the online application process expanded to include patios on private property
- On June 30, following a public hearing, Council approved bylaw amendments to allow outdoor patios on private property for breweries, distilleries, and wineries

Restart and recovery

Vancouverites continue to do a great job in reducing the spread of COVID-19 by staying home and staying put. As we shift into recovery and restart, we are asking the public to:

- Stay strong – keep two metres apart, do not attend large gatherings, and stay home if you are feeling unwell
- Stay local – support local businesses and your neighbourhood

For more detailed information about the status of City services and facilities, visit www.vancouver.ca/covid19.



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[Return to previous view \[Esc\]](#)**Expedited Patio Program Application**

June 4, 2020

From: Street Activities

To: hmcswiebe@gmail.com

Cc: Street Activities

ENG-SU~3.PDF (1.1 MB) [Download](#) | [Remove](#)151 E 8th Ave (SA-2020-00137).pdf (250.4 KB) [Download](#) |[Download all attachments](#)[Remove all attachments](#)

Dear Michael Wiebe,

For Eight 1/2 restaurant lounge (151 E 8th Ave)

Thank you for your interest in the Temporary Expedited Patio Program (TEPP). We have reviewed your application and are pleased to report that your patio has been approved with the condition(s) noted on the attached drawing. Please be aware that utility works along 8th Avenue related to the Broadway Subway Project may necessitate the need for temporary removal of the patio during construction. Please find enclosed the patio permit which should be displayed in a conspicuous location on the premises. You may now proceed with the patio installation, and following that, the City will proceed with signage and bollard installation.

Below are the outstanding requirements that you will need to address:

- **Insurance:** Our records show that we have yet to receive your Liability Insurance Certificate (LIC) a requirement outlined in the TEPP (Step 3). Please send the completed LIC to street.activities@vancouver.ca. You and your customers may use this patio space in the interim, but the City must receive confirmation on insurance coverage within five (5) business days of when your application was submitted. Failure to submit a completed LIC may result in permit

Subject : Temporary Expedited Patio Program Application

 [2 attachments](#)

To : hmcswiebe@gmail.com

Cc : Street Activities <Street.Activities@vancouver.ca>

Dear Michael Wiebe,

For Eight 1/2 restaurant lounge (151 E 8th Ave)

Thank you for your interest in the Temporary Expedited Patio Program (TEPP). We have reviewed your application condition(s) noted on the attached drawing. Please be aware that utility works along 8th Avenue related to the patio during construction. Please find enclosed the patio permit which should be displayed in a conspicuous following that, the City will proceed with signage and bollard installation.

Below are the outstanding requirements that you will need to address:

• **Insurance:** Our records show that we have yet to receive your Liability Insurance Certificate (LIC) a re street.activities@vancouver.ca. You and your customers may use this patio space in the interim, but days of when your application was submitted. Failure to submit a completed LIC may result in permit. As you begin to install and use your patio space, it is essential for all businesses to continue complying with compiled in the list below:


- The total occupant load including seats in the patio must not exceed the authorized occupancy. The permit including any restrictions on occupancy and seating configurations.
- Use of patios must end at 11:00 pm. However, if the closing time on the liquor license is earlier, the patio must stop and customers must be relocated inside your establishment by this time. It would be useful outdoor seating area.
- Enclosing the patio with any type of weather protection or other materials is not allowed.
- Nothing is allowed to be attached to the railing.
- No items (e.g. sandwich boards, hostess stands, etc.) are to be placed outside of the patio area.
- If you want to make any changes to your patio, they must first be approved in writing by Engineering Services.
- Additional operational requirements are included in the terms and conditions of the permit.

Congratulations on your successful application to the program. We look forward to seeing your up-and-coming strength and resilience during these trying times, and for your ongoing commitment to rebuilding public life. Most appreciatively,


Patio Team

Engineering Services

City of Vancouver

 **ENG-SU~3.PDF**
1 MB [View](#) [Download](#)

 **151 E 8th Ave (SA-2020-00137).pdf**
250 KB [View](#) [Download](#)

 [Download all attachments](#)

From : Street Activities <Street.Activities@vancouver.ca>

Tue, Jun 30, 2020 08:32 PM



Sidewalk Patio (Large) Permit

SA-2020-00137

City of Vancouver
33 West 12th Avenue
Vancouver, British Columbia
Canada V5Y 1V4

Issue Date: Jun 04, 2020 Application Date: Jun 04, 2020 Effective Date: Jun 04, 2020 Expiry Date: Oct 31, 2020

Applicant

TEPP DBA: Temporary Expedited Patio
Program
320-507 W Broadway
Vancouver, BC V5Z0B4

Location of Permit

151 E 8TH AVENUE
Vancouver, BC

Related Permits:

Project:

Specific Location:

Legal Description: LOT 1 OF LOTS 10 AND 11
BLOCK 44 DISTRICT LOT
200A PLAN 5259

Land Coordinate: 64818685

Work Description

The Tripod Investment Group Ltd. Eight 1/2 Restaurant Curbside Patio. TEPP Permit. Expiry date, October 31, 2020.

Permit Details

Season: Summer
Location: Outside
Downtown
Area(sq. m): 11.2

Deck Proposed: No
Deck Approved:
Purpose:

Will the proposed patio be on private property? No

Terms & Conditions

- The permit holder shall ensure that service to the patio stop and all your customers be relocated inside your establishment by 11 pm.
- The permit holder shall ensure that smoking is not permitted on patios or within 6 metres of any customer service area (patio), doorway, open windows or fresh air vents.
- The permit holder shall ensure that the patio area is neat and tidy.
- The permit holder shall ensure that no signs are attached to the railings of your sidewalk patio.
- The permit holder shall ensure that the patio remains closed between the hours of 11 pm and 7 am the following business day, unless otherwise indicated on your business license.
- The permit holder and all operators must follow all conditions listed on this permit or which may come into force, and the City of Vancouver Street Vending Bylaw 10868. The permit holder and all operators must co-operate fully and immediately with any City of Vancouver official or member of the Vancouver Police Department. The permit is the property of the City of Vancouver and must be surrendered on request of any City of Vancouver official or member of the Vancouver Police Department.
- Failure to comply with the above conditions and/or City By-Laws may result in fines, unit or goods impoundment, suspension and/or cancellation of permit.



Sidewalk Patio (Large) Permit

SA-2020-00137

City of Vancouver
33 West 12th Avenue
Vancouver, British Columbia
Canada V5Y 1V4

Terms & Conditions

- Additional Terms & Conditions

Licence Requirements

1. The premises must be licensed as a restaurant, limited service food or liquor primary establishment.

Occupancy

2. The total occupant load including seats in the curbside patio must not exceed the authorized occupancy. The permit holder must at all times comply with orders from the Provincial Health Officer including any restrictions on occupancy and seating configurations.

Patio Placement & Configuration

3. The patio and seating configuration must be wheelchair accessible including minimum aisle width(s) of 1.1m.
4. The patio must be located away from the premises near the curbside of the sidewalk and/or parking space. Patio must be directly in front of premises, unless prior written agreement from adjacent property owners or adjacent business owners is obtained.
5. Patio must not block access to Fire Department connections, utility covers in the roadway or exits from adjacent buildings.

Patio Design and Materials

6. Patio must be marked off by means of planters or railings that have an open appearance. Railings can be anchored to a maximum depth of 0.1m (4") except in special pavement areas where anchoring is not permitted (e.g. bricks, cobbles, granite, glass bricks, structures, areaways, etc.). Railings can also be temporarily held in place with weights placed within the patio area. Weights must not protrude beyond the patio area into the roadway. The railing shall be approximately 1m (40") in height. Bollard and chain fencing is not permitted as it poses a hazard to pedestrians with a visual disability. No material may be used between the railings and any overhang. Advertising or signage is not permitted to be attached to the railings to your patio.

7. Patio must be constructed so that it can be completely removed within 24 hours, if required.

8. Heaters, decks, platforms, enclosures, tents and other structures are not permitted.

9. Umbrellas may be used but may not be attached to railings or overhang the permit area. Front weather protection (tarps, drop down/roll down coverings) is prohibited and may be subject to impoundment.

Other Uses

10. Live entertainment, broadcasting or amplification of any noises including music and speech from the permit area is not permitted.

NOTE: Inspections of the site may be carried out by Engineering Services before, after, and during curbside patio operations. However, the City is not obligated to perform such inspections and these inspections in no way relieve the permit holder from the obligation to comply with these requirements and the terms of this permit.

Permit Fees

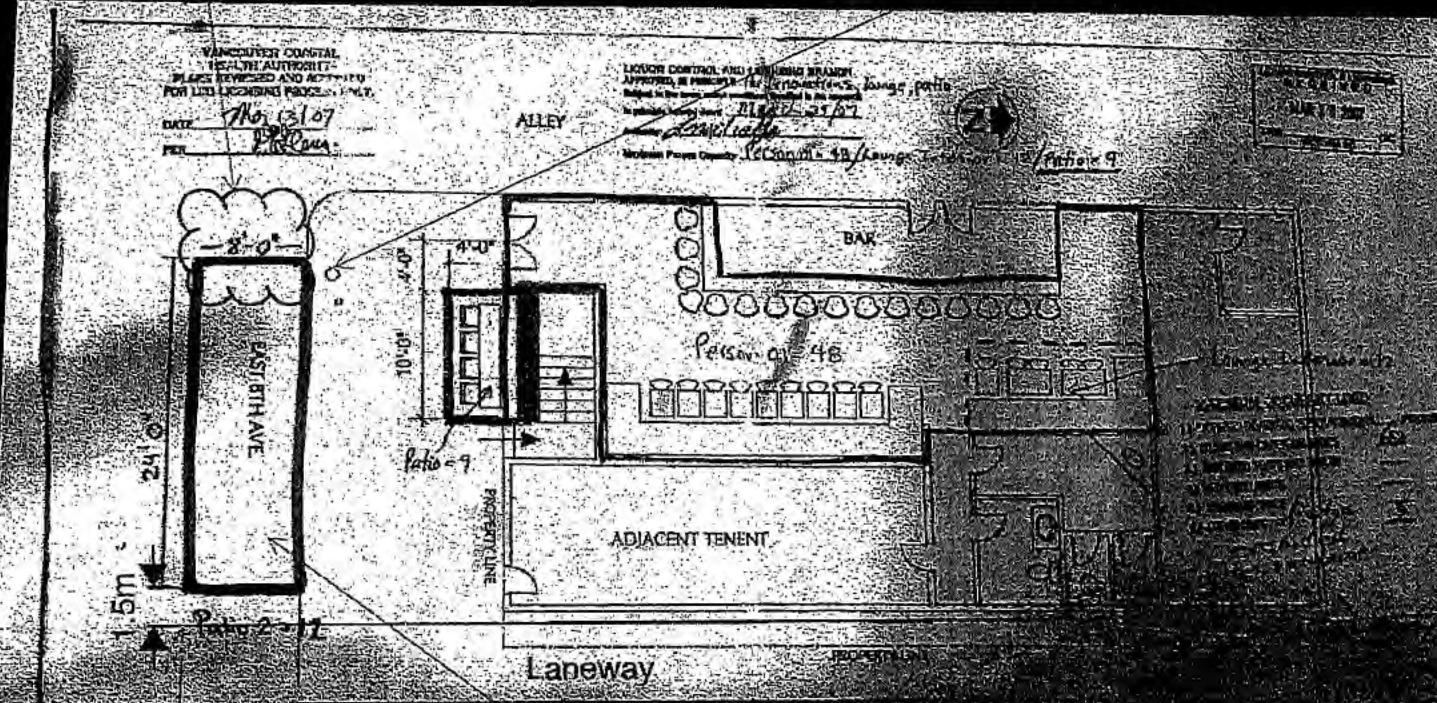
Description	Amount	Tax Amounts	Fee Total	Fee Adjs	Pmts and Adjs	Balance
Sidewalk Large Patio Application Fee	\$220.82		\$220.82	-\$220.82	\$0.00	\$0.00
Sidewalk Large Patio Permit Fee	\$700.45	GST @ 5%: 35.02	\$735.47	-\$700.45	\$0.00	\$0.00
Total:						\$0.00

Additional Notes

Book inspections by calling 3-1-1 within Vancouver or 604-873-7000 from outside Vancouver.

City of Vancouver note: Patio width must not exceed 1.8m.

City of Vancouver note: Patio railing must begin at parking meter, extending east.



City of Vancouver note: Patio railing to maintain 1.5m clearance from edge of laneway.

City of Vancouver note: The total occupant load including seats in the patio must not exceed the authorized occupancy. The permit holder must at all times comply with orders from the Provincial Health Officer including any restrictions on occupancy and seating configurations.

Temporary Expedited Patio Permit

Property

Unique ID

347

1. Will your proposed patio be on private property?

No, entirely on a City sidewalk or street

2. Do you want to use the space in front of the adjacent businesses for your patio?

Yes and I will get approval from the owners of the adjacent businesses

Liquor licence and business improvement area

3. Does your business have a BC Liquor Licence?

Yes

4. What type of BC Liquor License?

Food Primary

5. Have you notified your business improvement association (BIA) that you're applying for a patio?

Yes

Patio types

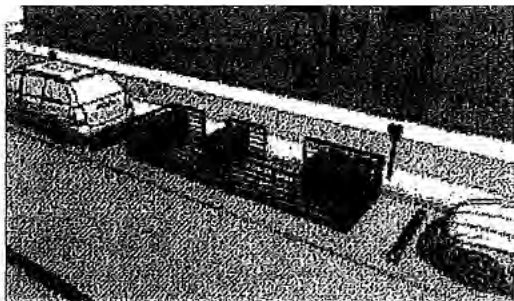
6. What type of temporary patio are you applying for?

Curbside patio

Furniture on street in parking spaces.

Railing required.

Liquor service allowed with BC Liquor Licence.



7. Will your patio be on the corner of a block?

Yes

Patio details: curbside patio

8. Where do you want to put the patio?

Front of business

9. Are there any of the following parking restrictions on the street(s) where you want to put the patio(s)?

No stopping zone (for rush hour)

Bus stop zone

Special zone (for police, construction, and so on)

No

10. How many parking spaces are in front of your business where you want to put the patio?

1

11. Do the parking spaces have meters or paystations?

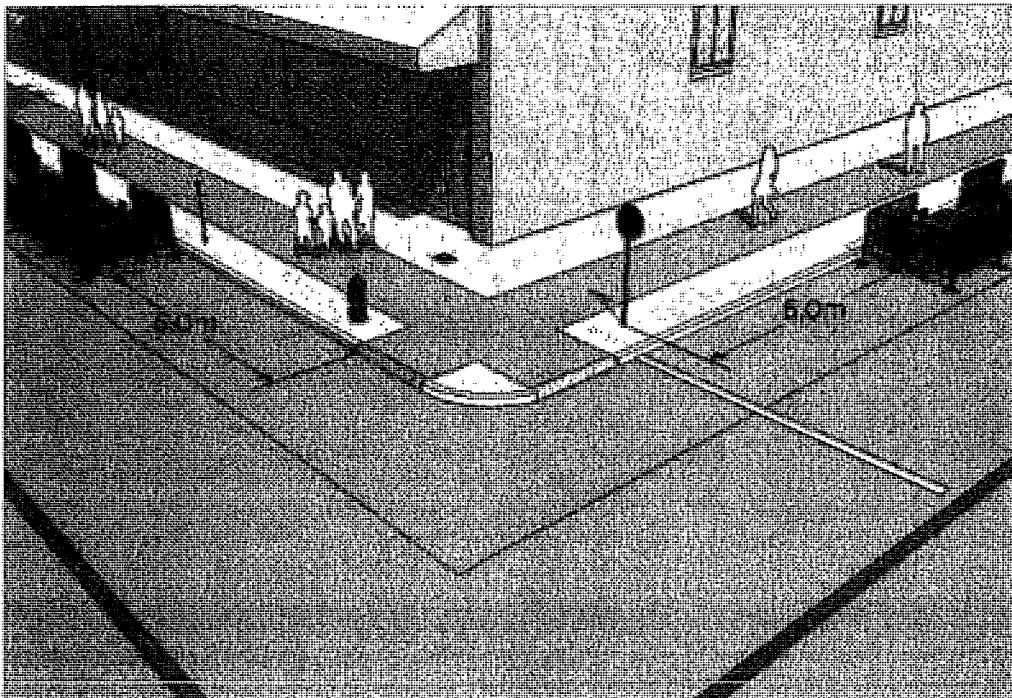
Meters or paystations

12. What are the parking meter or paystation IDs?

ID:

A80125

13. Will there be at least 6 m of safety clearance between the patio(s) and a stop sign or the nearest edge of the closest sidewalk on an intersecting street?

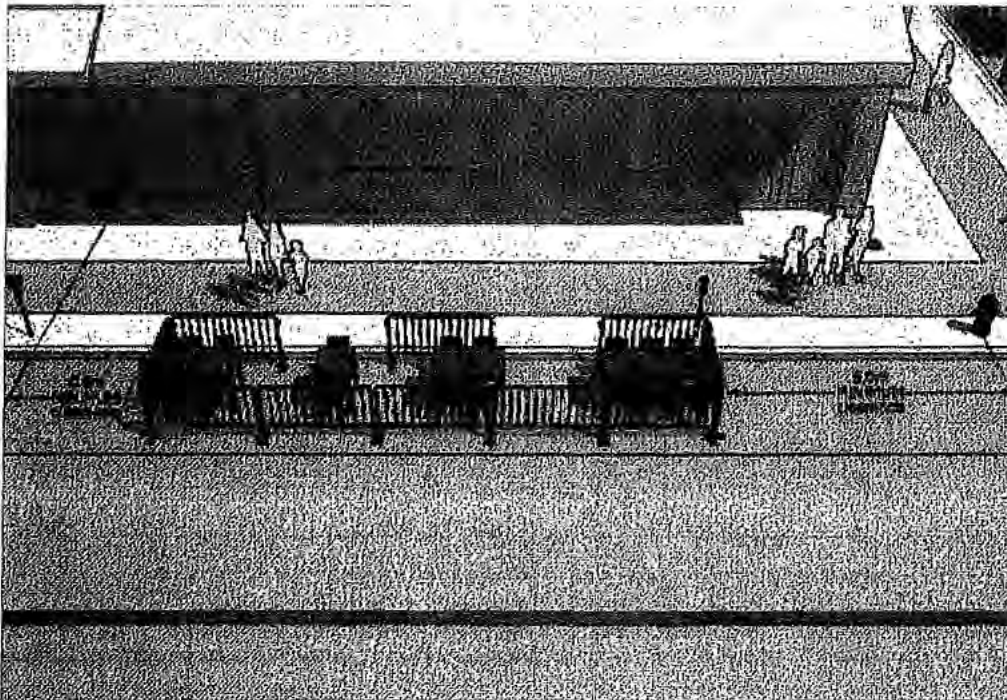


Yes

14. Will there be:

At least 0.5 m of safety clearance from the patio(s) to the middle of fire department connections (for fire hoses)?

At least 5 m of safety clearance from the patio(s) to any fire hydrants?

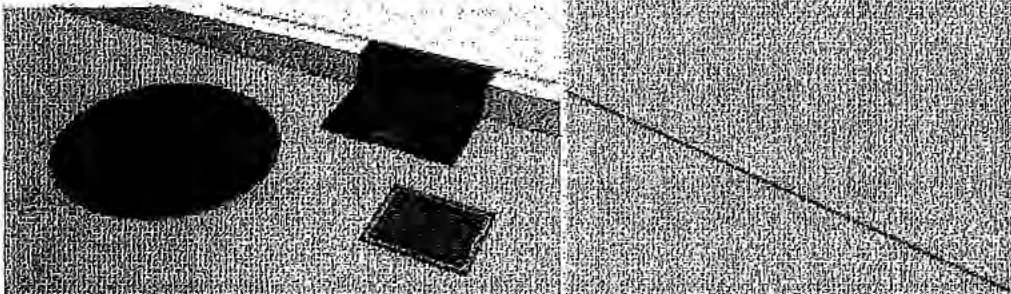


No fire hydrants or fire department connections nearby

15. Will there be at least 0.5 m of safety clearance between the patio(s) and utility access points?



Other examples of utilities



No utility access points nearby

Required documents

16. Upload drawings of your proposed patio(s).

[IMG_2031.jpg](#)

17. Upload current photos of the area you want to put the patio(s).

20200602_170057.jpg

20200602_170113.jpg

20200602_170059.jpg

20200602_170131.jpg

18. Upload the adjacent property owner consent letter(s).

IMG_2032.jpg

19. Upload your 2020 business licence.

City of Vancouver Business License Renewal Jan 31, 2020.pdf

20. What is your 2020 business licence number?

20-150386

Business and contact details

22. Business name:

Legal name:

The Tripod Investment Group Ltd

Trade name:

Eight 1/2 restaurant lounge

23. Business address:

Address:

151 East 8th Avenue

City:

Vancouver (East Mount Pleasant)

Province:

BC

Postal code:

V5T1R8

24. Business phone:

6048756510

25. Is the mailing address the same as the business address?

Yes

26. Are you the business owner or their representative?

Owner

27. Owner contact details:

Full name:

Michael Wiebe

Phone:

6046161220

Email:

hmcswiebe@gmail.com

Permit terms and conditions

Read and agree to the following terms and conditions.

The temporary patio will be wheelchair accessible and provide wheelchair accessible seating in the temporary patio.

You are the business owner or the business owner's representative.

You have liability insurance coverage that meets the following minimum requirements for **each** location that has a patio permit:

Inclusive limit of \$5,000,000 P.L. and P.D. (public liability and property damage) for large/curbside patios and \$2,000,000 for small patios

Cross-liability insurance

City of Vancouver named as insured

You or your insurance broker will submit a completed Liability Insurance Certificate within **5 business days** of submitting this application. If we do not receive the completed certificate within **5 business days**, we may revoke your permit.

The business improvement association (BIA) has been notified that you are submitting a Temporary Expedited Patio Program application.

Written permission from the property owner and if the temporary patio extends in front of adjacent property(s) the written permission of the owner(s) of those adjacent property(s).

Occupancy will not be increased from your currently authorized occupancy and you will comply with orders from the provincial health officer.

All information in this application, including the drawings are accurate.

You accept that your information is collected and may be shared under the authority of section 26(c) of the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Vancouver Charter*. If you have questions about how we collect and use your information, email the director of Access to Information and Privacy at privacy@vancouver.ca.

Failure to comply with City by-laws or these terms and conditions may result in the City suspending or cancelling your temporary patio permit.

I have read and agree to all of the permit terms and conditions.

Scott

From: Aguilar, Andrew
Sent: Wednesday, September 02, 2020 2:24 PM
To: Edwards, Scott
Cc: Dixon, Iain
Subject: Confidential request

Hello Scott,

I am assisting with a third party investigation into a complaint regarding TEPP permits issued to businesses operated by Cllr Wiebe. Iain directed me to you. Can you assist in answering the following questions/producing the requested documents?

1. The number of restaurants and bars that applied for temporary patios and extended liquor licences under the city's flexible patio program to date

As of Fri, Sep 4, 2020 (10am)

-Total number of applications received (public side only): 452

(note that some businesses applied more than once as they clarified information or due to coordination with other work e.g. declined due to construction activities and then asked to reapply at a later date)

(The number of applications with extended liquor licenses is not readily available to us).

2. The number of businesses that were granted an expanded patio / liquor licence to date

-Total approved patios: 318

(The number of applications with extended liquor licenses is not readily available to us).

3. Date that program came into effect

Jun1, 2020

4. Date applications were accepted

Jun 1, 2020

5. Date of Councillor Wiebe's application

Eight 1/2 - TEPP application received: Jun 2, 2020

The Portside Pub - TEPP application received: Jun 29, 2020

6 Copy of Councillor Wiebe's applications

Eight 1/2 - see attached email

The Portside Pub - see attached email

7. Copy of Guidelines for applicants

COV TEPP website (overview and general info)

<https://vancouver.ca/doing-business/expedited-patio-program.aspx>

TEPP Info Guide (patio guidelines)

<https://vancouver.ca/files/cov/temporary-expedited-patio-permit-information-guide.pdf>

8. Date Councillor Wiebe was granted his permits

Note that all applications were processed within 2 business days.

Eight 1/2 - TEPP permit issued: Jun 4, 2020

The Portside Pub - TEPP permit issued: Jun 30, 2020

9. Copy of permits for Eight 1/2 Restaurant and The Portside Pub

Eight 1/2 - SA-2020-00137 (see attached for permit)

The Portside Pub - SA-2020-00295 (see attached for permit)

Thanks,

Andrew Aguilar

City of Vancouver

Law Department

Tel. (604) 673 8448

Fax. (604) 873 7445

Email Andrew.Aguilar@vancouver.ca



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From : Street Activities <Street.Activities@vancouver.ca> Thu, Jun 04, 2020 04:59 PM

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**Temporary Expedited Patio Program Application (7 Alexander St)**

From: Street Activities

To: thenatecampbell@gmail.com baxter@promosa.ca

Cc: Street Activities

7 Alexander St (SA-2020-00295).pdf (252.1 KB) [Download](#) | [Remove](#) ENG - SUM - TEP...G - 2020-06-29.F[Download all attachments](#)[Remove all attachments](#)


Dear Baxter Wilson and Nathan Campbell,
For The Portside Pub (7 Alexander St)

Thank you for your interest in the Temporary Expedited Patio Program (TEPP). We have reviewed your application and are pleased to report that your patio has been approved with the condition(s) noted on the attached drawing. Please also find enclosed the patio permit which should be displayed in a conspicuous location on the premises. You may now proceed with the patio installation.

As you begin to install and use your patio space, it is essential for all businesses to continue complying with the general patio requirements. For your convenience, these requirements are compiled in the list below:

- The total occupant load including seats in the patio must not exceed the authorized occupancy. The permit holder must at all times comply with orders from the Provincial Health Officer including any restrictions on occupancy and seating configurations.
- No decks or other structures
- No heaters

Subject : Temporary Expedited Patio Program Application (7 Alexander St)

 2 attachments

To : thenatecampbell@gmail.com, baxter@promosa.ca

Cc : Street Activities <Street.Activities@vancouver.ca>

Dear Baxter Wilson and Nathan Campbell,
For The Portside Pub (7 Alexander St)

Thank you for your interest in the Temporary Expedited Patio Program (TEPP). We have reviewed with the condition(s) noted on the attached drawing. Please also find enclosed the patio permit which now proceed with the patio installation.


As you begin to install and use your patio space, it is essential for all businesses to continue compliance requirements are compiled in the list below:


- The total occupant load including seats in the patio must not exceed the authorized occupancy. The permit including any restrictions on occupancy and seating configurations.
- No decks or other structures
- No heaters
- Railings must be approximately 1m (40") in height
- Use of patios must end at 11:00 pm. However, if the closing time on the liquor license is earlier, the patio must stop and customers must be relocated inside your establishment by this time. It would be useful outdoor seating area.
- Enclosing the patio with any type of weather protection or other materials is not allowed.
- Nothing is allowed to be attached to the railing.
- No items (e.g. sandwich boards, hostess stands, etc.) are to be placed outside of the patio area.
- If you want to make any changes to your patio, they must first be approved in writing by Engineering Services
- Additional operational requirements are included in the terms and conditions of the permit.

Congratulations on your successful application to the program. We look forward to seeing your up- you for your strength and resilience during these trying times, and for your ongoing commitment to Most appreciatively,

Patio Team
Engineering Services
City of Vancouver

 **7 Alexander St (SA-2020-00295).pdf**
252 KB [View](#) [Download](#)

 **ENG - SUM - TEPP - Checklist - 7 Alexander St - The Portside Pub - APPROVED WITH CONDITIONS - DRAWING - 2020-06-29.PDF**
55 KB [View](#) [Download](#)

 [Download all attachments](#)



Sidewalk Patio (Large) Permit

SA-2020-00295

City of Vancouver
33 West 12th Avenue
Vancouver, British Columbia
Canada V5Y 1V4

Issue Date: Jun 30, 2020 Application Date: Jun 30, 2020 Effective Date: Jun 30, 2020 Expiry Date: Oct 31, 2020

Applicant

TEPP DBA: Temporary Expedited Patio
Program
320-507 W Broadway
Vancouver, BC V5Z0B4

Location of Permit

7 ALEXANDER STREET
Vancouver, BC

Related Permits:

Project:

Specific Location:

Legal Description: PARCEL G FORESHORE OF
BURRARD INLET AND BLOCK
1 DISTRICT LOT 196 GROUP
1 NEW WESTMINSTER
DISTRICT PLAN BCP23530

Land Coordinate: 57917805

Work Description

Portside Bar Ltd., The Portside Pub, Large Patio. TEPP Permit. Expiry date, October 31, 2020.

Permit Details

Season: Summer

Location: Downtown

Area(sq. m): 8.1

Deck Proposed: No

Deck Approved:

Purpose:

Will the proposed patio be on private property? No

Terms & Conditions

- The permit holder shall ensure that service to the patio stop and all your customers be relocated inside your establishment by 11 pm.
- The permit holder shall ensure that smoking is not permitted on patios or within 6 metres of any customer service area (patio), doorway, open windows or fresh air vents.
- The permit holder shall ensure that the patio area is neat and tidy.
- The permit holder shall ensure that no signs are attached to the railings of your sidewalk patio.
- The permit holder shall ensure that the patio remains closed between the hours of 11 pm and 7 am the following business day, unless otherwise indicated on your business license.
- The permit holder and all operators must follow all conditions listed on this permit or which may come into force, and the City of Vancouver Street Vending Bylaw 10868. The permit holder and all operators must co-operate fully and immediately with any City of Vancouver official or member of the Vancouver Police Department. The permit is the property of the City of Vancouver and must be surrendered on request of any City of Vancouver official or member of the Vancouver Police Department.



Sidewalk Patio (Large) Permit

SA-2020-00295

City of Vancouver
33 West 12th Avenue
Vancouver, British Columbia
Canada V5Y 1V4

Terms & Conditions

- Failure to comply with the above conditions and/or City By-Laws may result in fines, unit or goods impoundment, suspension and/or cancellation of permit.

- Additional Terms & Conditions

Licence Requirements

1. The Premises must be licensed as a restaurant, limited service food or liquor primary establishment.

Occupancy

2. The total occupant load including seats in the patio must not exceed the authorized occupancy. The permit holder must at all times comply with orders from the Provincial Health Officer including any restrictions on occupancy and seating configurations.

Patio Placement & Configuration

3. The patio and seating configuration must be wheelchair accessible including a minimum aisle width of 1.1m.
4. The patio must be located directly in front of the premises unless prior written agreement from the adjacent property owners or the adjacent business owners is obtained.
5. The patio must leave a sufficient unobstructed sidewalk width of minimum of 2.4m (8ft) for the comfortable passage of pedestrians.
6. Patio must not block access to Fire Department connections, utility covers in the sidewalk or exits from adjacent buildings.

Patio Design and Materials

Patio must be marked off by means of planters or railings that have an open appearance. Railings can be anchored to a maximum depth of 0.1m (4") except in special pavement areas where anchoring is not permitted (e.g. bricks, cobbles, granite, glass bricks, structures, areaways, etc.). Railings can also be temporarily held in place with weights placed within the patio area. Weights must not protrude beyond the patio area into the sidewalk. The railing shall be approximately 1m (40") in height. Bollard and chain fencing is not permitted as it poses a hazard to pedestrians with a visual disability. No material may be used between the railings and any overhang. Advertising or signage is not permitted to be attached to the railings to your patio.

8. Patio must be constructed so that it can be completely removed within 24 hours, if required.
9. Heaters, decks, platforms, enclosures, tents and other structures are not permitted.
10. Umbrellas may be used but may not be attached to railings or overhang the permit area into the sidewalk. Front weather protection (tarps, drop down/roll down coverings) is prohibited and may be subject to impoundment.

Other Uses

11. Live entertainment, broadcasting or amplification of any noises including music and speech from the permit area is not permitted.

NOTE: Inspections of the site may be carried out by Engineering Services before, after, and during large patio operations. However, the City is not obligated to perform such inspections and these inspections in no way relieve the applicant from the obligation to comply with these requirements and the terms of this permit.

Permit Fees

Description	Amount	Tax Amounts	Fee Total	Fee Adjs	Pmts and Adjs	Balance
Sidewalk Large Patio Application Fee	\$220.82		\$220.82	-\$220.82	\$0.00	\$0.00
Sidewalk Large Patio Permit Fee	\$476.55	GST @ 5%: 23.83	\$500.38	-\$476.55	\$0.00	\$0.00
Total:						\$0.00



City of Vancouver
33 West 12th Avenue
Vancouver, British Columbia
Canada V5Y 1V4

Sidewalk Patio (Large) Permit

SA-2020-00295

Additional Notes

Book inspections by calling 3-1-1 within Vancouver or 604-873-7000 from outside Vancouver.

Temporary Expedited Patio Permit

Property

Unique ID

433

1. Will your proposed patio be on private property?

No, entirely on a City sidewalk or street

2. Do you want to use the City sidewalk in front of the adjacent businesses for your patio?

Yes and I will get approval from the owners of the adjacent businesses

3. Have you notified your business improvement association (BIA) that you're applying for a patio?

Yes

Business

4. Does your business have a BC Liquor Licence?

Yes

5. What type of BC Liquor License?

Liquor Primary

Patio types

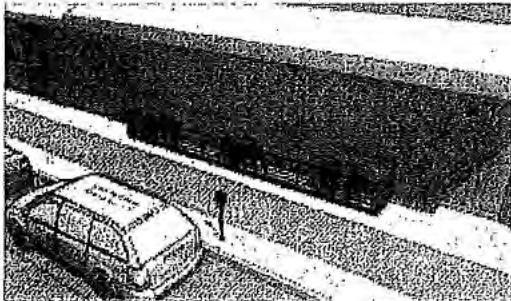
6. What temporary patio option(s) are you applying for?

Large sidewalk patio

Furniture that can be left out at the end of the day.

Railing required.

Liquor service allowed with BC Liquor Licence.

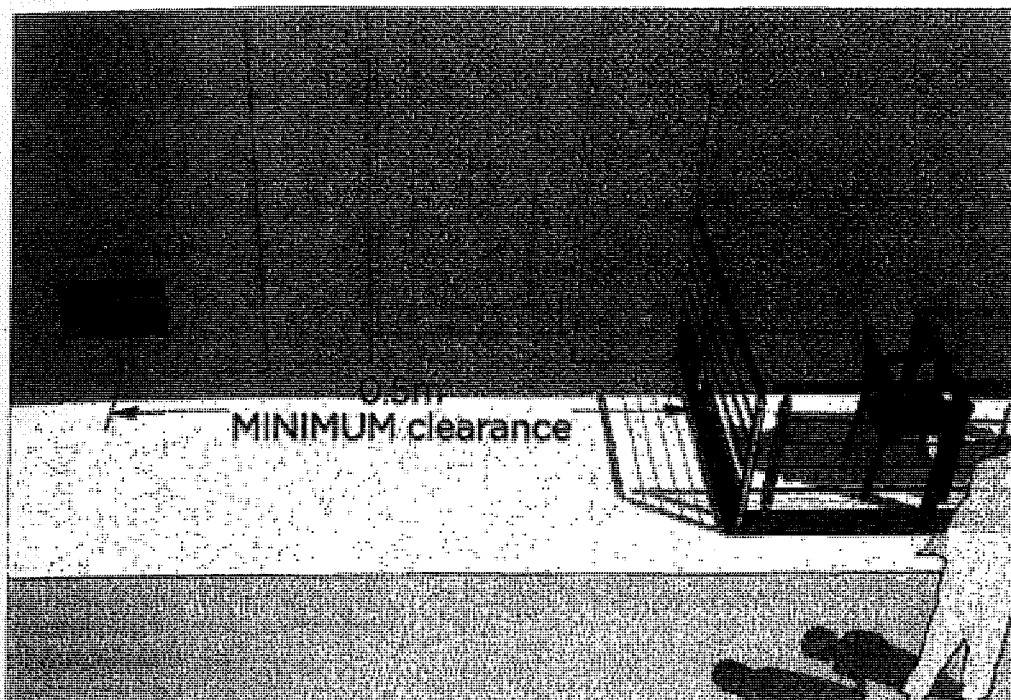


7. Will your patio be on the corner of a block?

No

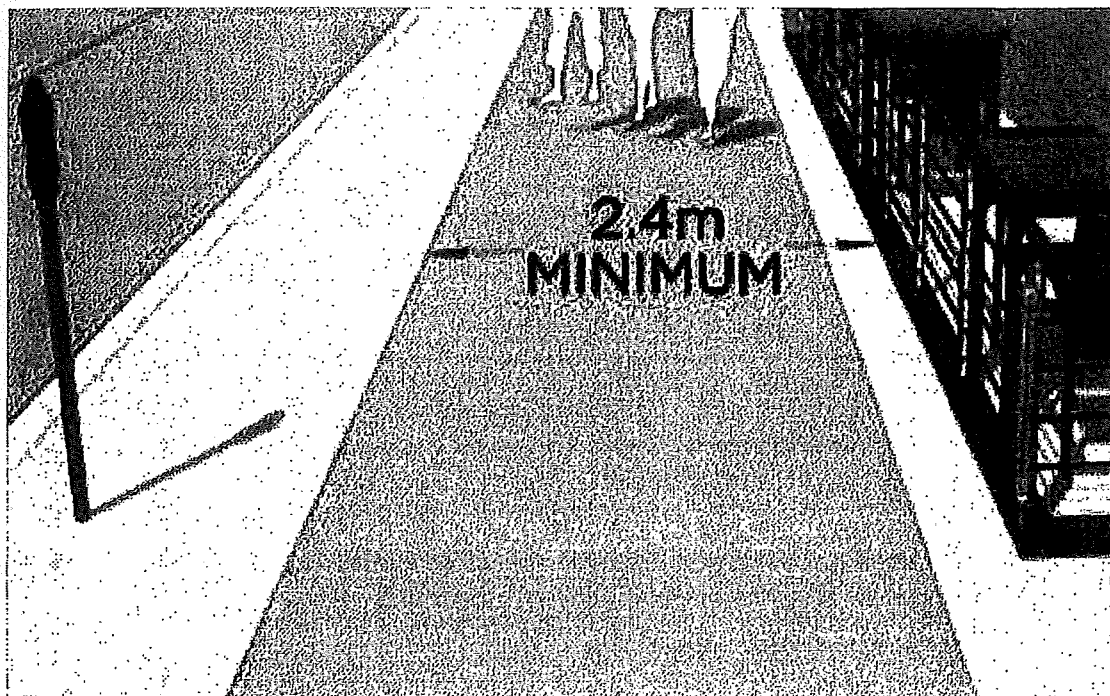
Patio details: large sidewalk patio with railing

8. Will there be at least 0.5 m of safety clearance from the patio(s) to the middle of a fire department connection (for fire hoses)?



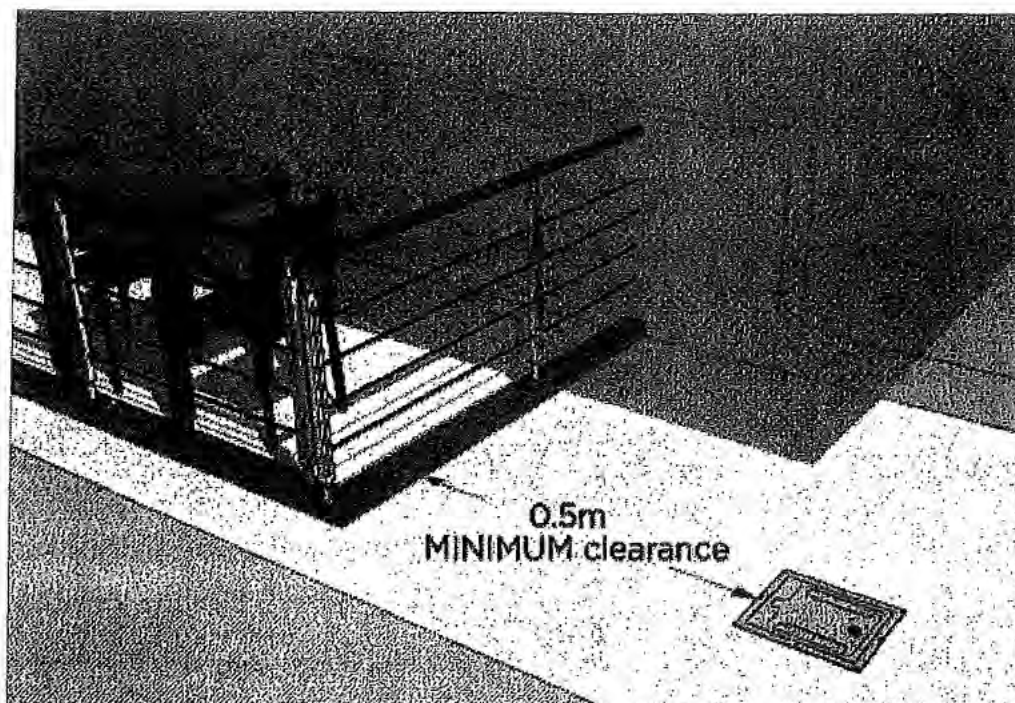
Yes

9. Will there be at least 2.4 m of safety clearance between the patio railing(s) and items fixed to the sidewalk (such as parking meters, paystations, street signs, utility boxes, tree grates, and so on)?



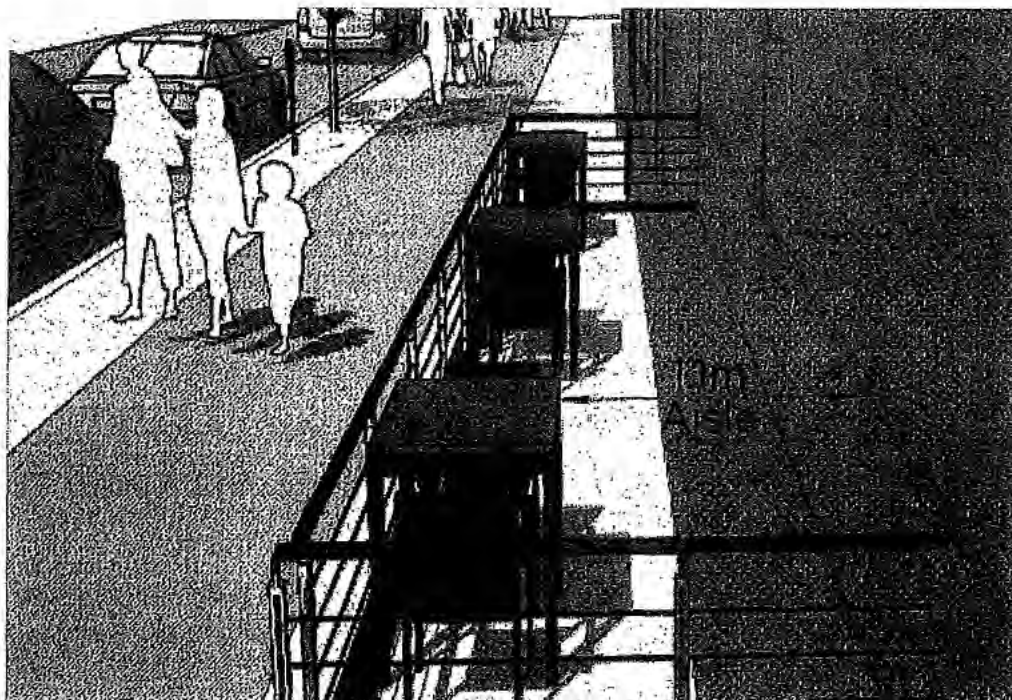
No

10. Will there be at least 0.5 m of safety clearance between the patio(s) and utility access points?



Yes

11. Will there be at least 1.1 m of aisle width?



Yes

Required documents

12. Upload drawings of your proposed patio(s) that are entirely on a City sidewalk or street.

[15069 2015-12-08 Portside Pub draft \(1\) \(3\).pdf](#)

13. Upload a current photo(s) of the area you want to put the patio(s).

[COI_36345 - COV.pdf](#)

14. Upload the adjacent property owner consent letter(s).

Temporary Extension of Service Area (TESA) - Portside Pub - Approval.pdf

15. Upload your 2020 business licence.

3491720.pdf

16. What is your 2020 business licence number?

20-138508

17. (Optional) Upload the completed liability insurance certificate signed by your insurance broker.

COI 36345 - COV.pdf

Business and contact details

18. Business name:

Legal name:

Portside Bar LTD

Trade name:

The Portside Pub

19. Business address:

Address:

7 ALEXANDER STREET

City:

Vancouver

Province:

BC

Postal code:

V6A 1B2

20. Business phone:

6045596333

21. Is the mailing address the same as the business address?

Yes

22. Are you the business owner or their representative?

Representative

23. Owner contact details:

Full name:

Baxter Wilson

Phone:

6045688011

Email:

baxter@promosa.ca

24. Representative contact details:

Full name:

Nathan Campbell

Phone:

7789873865

Email:

thenatecampbell@gmail.com

Terms and conditions

Read and agree to the following terms and conditions:

The temporary patio will be wheelchair accessible and provide wheelchair accessible seating in the temporary patio.

You are the business owner or the business owner's representative.

You have liability insurance coverage that meets the following minimum requirements for **each** location that has a patio permit:

Inclusive limit of \$5,000,000 P.L. and P.D. (public liability and property damage) for large/curbside patios and \$2,000,000 for small patios

Cross-liability insurance

City of Vancouver named as insured

You or your insurance broker will submit a completed Liability Insurance Certificate within **5 business days** of submitting this application. If we do not receive the completed certificate within **5 business days**, we may revoke your permit.

The business improvement association (BIA) has been notified that you are submitting a Temporary Expedited Patio Program application.

You obtained written permission from the property owner; if the temporary patio extends in front of an adjacent property(s), you also obtained written permission of the owner(s) of the adjacent property(s).

Occupancy will not be increased from your currently authorized occupancy and you will comply with orders from the provincial health officer.

All information in this application, including the drawings are accurate.

You accept that your information is collected and may be shared under the authority of section 26(c) of the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Vancouver Charter*. If you have questions about how we collect and use your information, email the director of Access to Information and Privacy at privacy@vancouver.ca.

Failure to comply with City by-laws or these terms and conditions may result in the City suspending or cancelling your temporary patio permit.

I have read and agree to all of the permit terms and conditions.

Scott

From: Aguilar, Andrew
Sent: Wednesday, September 02, 2020 2:24 PM
To: Edwards, Scott
Cc: Dixon, Iain
Subject: Confidential request

Hello Scott,

I am assisting with a third party investigation into a complaint regarding TEPP permits issued to businesses operated by Cllr Wiebe. Iain directed me to you. Can you assist in answering the following questions/producing the requested documents?

1. The number of restaurants and bars that applied for temporary patios and extended liquor licences under the city's flexible patio program to date

As of Fri, Sep 4, 2020 (10am)

-Total number of applications received (public side only): 452

(note that some businesses applied more than once as they clarified information or due to coordination with other work e.g. declined due to construction activities and then asked to reapply at a later date)

(The number of applications with extended liquor licenses is not readily available to us).

2. The number of businesses that were granted an expanded patio / liquor licence to date

-Total approved patios: 318

(The number of applications with extended liquor licenses is not readily available to us).

3. Date that program came into effect

Jun1, 2020

4. Date applications were accepted

Jun 1, 2020

5. Date of Councillor Wiebe's application

Eight 1/2 - TEPP application received: Jun 2, 2020

The Portside Pub -- TEPP application received: Jun 29, 2020

6 Copy of Councillor Wiebe's applications

Eight 1/2 - see attached email
The Portside Pub - see attached email

7. Copy of Guidelines for applicants

COV TEPP website (overview and general info)
<https://vancouver.ca/doing-business/expedited-patio-program.aspx>

TEPP Info Guide (patio guidelines)
<https://vancouver.ca/files/cov/temporary-expedited-patio-permit-information-guide.pdf>

8. Date Councillor Wiebe was granted his permits

Note that all applications were processed within 2 business days.
Eight 1/2 - TEPP permit issued: Jun 4, 2020
The Portside Pub - TEPP permit issued: Jun 30, 2020

9. Copy of permits for Eight 1/2 Restaurant and The Portside Pub

Eight 1/2 - SA-2020-00137 (see attached for permit)
The Portside Pub - SA-2020-00295 (see attached for permit)

Thanks,

Andrew Aguilar
City of Vancouver
Law Department
Tel. (604) 673 8448
Fax. (604) 873 7445
Email Andrew.Aguilar@vancouver.ca



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From : Street Activities <Street.Activities@vancouver.ca> Thu, Jun 04, 2020 04:59 PM

From: Johnston, Sadhu
Sent: Monday, September 21, 2020 2:30 PM
To: Wiebe, Michael
Subject: FW: Cllr. Weibe and Conflict of Interest

Hi again
Here's the email I sent to you in June raising concerns.
Sadhu

Sadhu Aufochs Johnston | City Manager
City of Vancouver | 453 W 12th Avenue
Vancouver | BC V5Y 1V4
604.873.7627 | Sadhu.johnston@vancouver.ca
Twitter: sadhuajohnston



From: Johnston, Sadhu
Sent: Thursday, June 11, 2020 1:02 PM
To: Wiebe, Michael
Cc: Dixon, Iain
Subject: FW: Cllr. Weibe and Conflict of Interest

Michael
Please see comments from law below. Feel free to connect with Iain.
Sadhu

Sadhu Aufochs Johnston | City Manager
Office of the City Manager | City of Vancouver
sadhu.johnston@vancouver.ca
604.873.7627

Pronouns: he, him, his



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.

From: Dixon, Iain
Sent: Wednesday, June 10, 2020 11:31 AM
To: Johnston, Sadhu
Cc: Connell, Francie
Subject: Cllr. Weibe and Conflict of Interest

Sadhu,

There was some commentary over the weekend regarding Cllr. Wiebe's potential conflict of interest with respect to the various patio and restaurant licencing issues that are being considered by Council. The Law Department has not been consulted with respect to whether he is in a conflict or not but we do have some concerns that he may be. If we were consulted our normal practice would be to suggest that he obtains outside legal advice.

Cllr. Wiebe may have received legal advice that he is not in a conflict but at present we don't know whether he has turned his mind to these issues. It might be prudent to reach out to him to confirm whether he has considered the issue.

Iain Dixon

City of Vancouver
Law Department
Direct: 604 871 6860
Mobile: 604 318 2355

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