

NO: R011

COUNCIL DATE: January 29, 2024

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **January 22, 2024**
FROM: **General Manager, Community Services** FILE: **4815-01**
SUBJECT: **Proposed Bylaw Amendments for the Management of Supportive Recovery Homes Update**

RECOMMENDATION

The Community Services Department recommends that Council:

1. Receive this report for information; and
2. Authorize the City Clerk to bring forward the proposed amendments to the *Business License By-law, 1999, No. 13680* (the “Business License Bylaw”) for final adoption.

INTENT

The purpose of this report is to provide Council with written representations provided by the public with respect to proposed amendments to the Business License Bylaw and to seek Council authorization to bring forward the proposed amendments for final adoption.

BACKGROUND

At the December 4, 2023 Council meeting, Council approved the recommendations in Corporate Report No. R205; 2023, attached to this report as Appendix “I”.

The *Community Charter* requires that, before adopting bylaws regulating business matters, such as the proposed amendments to the Business License Bylaw, Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaws to make representations to Council.

Corporate Report No. R205; 2023 also proposed amendments to other bylaws, including the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508* and the *Surrey Bylaw Notice Enforcement Bylaw 2016, No. 18691*. The *Community Charter* does not require public notice regarding amendments to these bylaws.

Pursuant to Council direction and the requirements of the *Community Charter*, notice was provided:

- At the City’s Public Notice Posting Place, including the City’s website and bulletin board;
- In the Surrey Now Leader, Peace Arch News, and Cloverdale Reporter on Thursday, December 7, 2023 and Thursday, December 14, 2023; and
- By letter to the following businesses in the City:
 - Licensed operators of supportive recovery homes.

The notices and letters advised members of the public of the opportunity to provide submissions to Council in writing to the City Clerk by January 5, 2024.

DISCUSSION

Staff received one letter from the public in response to the proposed amendments to the Business License Bylaw, which is attached to this report as Appendix “II”.

Legal Services Review

This report has been reviewed by Legal Services.

CONCLUSION

Based on the above information, it is recommended that Council authorize the City Clerk to bring forward the proposed amendments to the Business License Bylaw for final adoption.

Terry Waterhouse
General Manager, Community Services

Appendix “I”: Corporate Report No. R205; 2023
Appendix “II”: Correspondence from the Public

CORPORATE REPORT

NO: *R205*

COUNCIL DATE: *December 4, 2023*

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **November 30, 2023**
FROM: **General Manager, Community Services** FILE: **4815-01**
SUBJECT: **Proposed Bylaw Amendments for the Management of Supportive Recovery Homes**

RECOMMENDATION

The Community Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed amendments to the *Business License By-law, 1999, No. 13680* (the "Business License Bylaw"), as per Appendix "I";
3. Approve the proposed amendments to the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508* (the "MTI Bylaw"), as per Appendix "II";
4. Approve the proposed amendments to the *Surrey Bylaw Notice Enforcement Bylaw 2016, No. 18691* (the "BEN Bylaw"), as per Appendix "III";
5. Direct the City Clerk to give public notice in the form of newspaper advertisements, once a week for two consecutive weeks of the proposed amendments to the Business License Bylaw in accordance with Section 59 of the *Community Charter* to provide an opportunity to persons who consider they are affected by the Business License Bylaw amendments to make written representations to Council;
6. Direct staff to report back to Council on any written representations received prior to Council considering the final adoption of the Business License Bylaw amendments; and
7. Authorize the City Clerk to bring forward the proposed amendments to the Business License Bylaw, the MTI Bylaw and the BEN Bylaw for the required readings.

INTENT

The purpose of this report is to obtain Council approval to amend the Business License Bylaw, MTI Bylaw, and the BEN Bylaw (collectively "the Bylaws") to remove the requirement for Supportive Recovery Home operators to complete a Housing Agreement.

BACKGROUND

Persons who are recovering from a substance abuse addiction may seek residential and treatment services in an assisted living residence for supportive recovery (“Supportive Recovery Home”). Supportive Recovery Homes provide care and supervision for adults who require low to moderate support before returning to independent settings in their community. Supportive Recovery Homes are typically located in single-family homes and operated by either not-for-profit agencies or for-profit businesses.

As one of the largest municipalities in Metro Vancouver, Surrey has the greatest number of licenced recovery homes of any municipality in the province necessitating the increased focus on enforcement with provincial regulations.

On December 16, 2016, Council authorized the introduction of a business license requirement for Supportive Recovery Homes and set a cap of number of licenses in the city at 55. Corporate Report No. R262; 2016 is attached as Appendix “IV” for reference. Currently, there are 39 business licences approved by Council and issued to operators of Supportive Recovery Homes. There are currently 11 licences in varying stages of completion by staff.

In June 2020, Council approved the recommendations of Corporate Report No. R104; 2020, attached as Appendix “V”, requiring operators of Supportive Recovery Homes to enter into a Housing Agreement with the City in order to improve the quality of care being provided to residents of Supportive Recovery Homes. Additionally, Housing Agreements served to highlight for operators their obligations under the provincial legislation and increased the visibility of these facilities to allow the City to better monitor their operations, as regulation of Supportive Recovery Homes is outside the City’s authority and staff do not have powers to inspect sites for this purpose. The City’s Bylaw Services Division can only respond to property use issues with the owner of the property who is often not the operator of the Supportive Recovery Home.

In February 2021, Council authorized amendments to the Business License Bylaw requiring Supportive Recovery Homes to complete a Housing Agreement as a condition for obtaining a new business license and all business license renewals, effective November 1, 2021. Corporate Report No. R026; 2021 is attached as Appendix “VI”. Although not mentioned in Corporate Report No. R026; 2021, changes were also made to the MTI Bylaw to align with the changes noted in the report.

DISCUSSION

Substance use services that seek to assist persons receiving supportive recovery services are regulated by the Province under the *Community Care and Assisted Living Act, S.B.C., 2002, c.75*. Private operators are required to be registered by the Assisted Living Registrar (“ALR”) through the Ministry of Health.

Staff regularly liaise with staff from the ALR to ensure alignment of the City’s approach with the mandate of the Province.

The ALR has recently confirmed that it will be increasing its monitoring and inspection of Supportive Recovery Homes in Surrey consistent with its responsibility as the provincial regulator. The ALR will soon have a team of nine staff located full-time in Surrey. This team, which includes senior investigators, will be responsible for responding to complaints and

ensuring the safe operation of Supportive Recovery Homes in Surrey. This increase in provincial staff with a mandate to conduct inspections will enhance the regulation of Supportive Recovery Homes in Surrey. The ALR will work closely with City staff to ensure the timely exchange of information.

Given that the ALR is employing additional inspectors to fulfil its responsibility for provincial regulation of Supportive Recovery Homes, staff recommend that the City amend the Bylaws to remove the requirement for a completed housing agreement, as outlined in Appendices "I" "II" and "III".

Public Notice and Bylaw Readings

Under section 59 of the Community Charter, public notice must be given of an amendment to the Business License Bylaw. Staff therefore recommend that Council grant three readings to the proposed amending bylaw and direct that notice be provided in the usual course in the newspapers once a week for two consecutive weeks before final adoption of the bylaw is granted at the next available Council Meeting.

Legal Service Review

Legal Services has reviewed this report.

CONCLUSION

With the addition of nine new ALR staff located full-time in Surrey, staff recommend amendments to the Bylaws to remove the requirement for housing agreements which have proven an ineffective policy tool.



Terry Waterhouse
General Manager, Community Services

Appendices available upon request

Appendix "I": Proposed amendments to the *Business Licence By-law, 1999, No. 13680*

Appendix "II": Proposed amendments to the *Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508*

Appendix "III": Proposed amendments to the *By-law Notice Enforcement By-law 2016, No. 18691*

Appendix "IV": Corporate Report No. R262; 2016

Appendix "V": Corporate Report No. R104; 2020

Appendix "VI": Corporate Report No. R026; 2021



December 19, 2023

Phillipa Sanderson
Manager, Strategic Planning & Responses
City of Surrey
13450 104 Avenue
Surrey, BC V3T 1V8

Dear Ms. Sanderson:

Re: Proposed Amendments to By-law, 199.13680

I am pleased to receive the proposed amendments to By-law, 199.13680. The requirement to have landlords sign the Housing Agreement in order to receive a business license to operate a supportive recovery house is onerous. The Realistic Success Recovery Society supports the proposed amendments.

Sincerely,

Susan Sanderson
Executive Director