

NO: R212

COUNCIL DATE: November 4, 2024

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **October 30, 2024**

FROM: **General Manager, Corporate Services**

FILE: **3900-01**

SUBJECT: **Expanding the Metro West Inter-Municipal Business Licence to Include Home Health Care Professionals and Services**

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report as information;
2. Authorize the City Clerk to bring forward for enactment the necessary bylaw, substantially in the form attached as Appendix “I”, to include health care professionals and services providing in-home care as businesses eligible for the *Metro West Inter-Municipal Business Licence Bylaw* (the “IMBL Bylaw”);
3. Authorize the City Clerk to bring forward for enactment the necessary bylaw, substantially in the form attached as Appendix “I” to increase the annual fee for the Metro West Inter-Municipal Business Licence from \$250 to \$300, to be effective January 1, 2025; and
4. Authorize the City Clerk to bring forward for enactment the necessary bylaw, substantially in the form attached as Appendix “II” *Metro West Inter-Municipal Business Licence Agreement Bylaw* (the “Agreement Bylaw”), to enter into a new Inter-Municipal Business Licence Scheme agreement for Metro West, to be effective January 1, 2025.

BACKGROUND

Inter-Municipal Business Licences (“IMBLs”) support dynamic local and regional economies by reducing administrative and cost burdens by allowing eligible businesses to operate in multiple municipalities with the purchase of a single licence. The terms and conditions of an IMBL including the fee and licence administration are outlined in a set of common bylaws enacted by each participating municipality. In BC there are 17 IMBL partnerships between 104 municipalities.

The City of Surrey participates in the Metro West IMBL program which launched as a pilot in 2013 for businesses in the construction industry to operate in Vancouver, Burnaby, Delta, New Westminster, Richmond, and Surrey. In 2015, the participating municipalities agreed to make the IMBL permanent, and to add businesses that repair, inspect and maintain land and buildings to the program (for example: arborists, building inspectors and janitors, etc). Under provisions of the IMBL agreement, businesses must obtain a business licence in the municipality where they maintain their business premises and, for an additional fee, they receive the IMBL. A condition of the IMBL is that businesses are required to comply with relevant Bylaw conditions of each municipality in which they work.

The Metro West IMBL fee was set at \$250 in 2013 and a revenue sharing agreement among the participating municipalities was established. In 2015 the revenue sharing agreement was simplified from one based on the proportionate share of each municipality's non-resident licence revenue, to one in which each municipality retains 90% of its Metro West IMBL revenue and distributes the remaining 10% evenly among the other partners.

Since 2013 the annual number of IMBL licenses issued by the participating Metro West municipalities has increased from 1,703 in 2013 to 6,817 in 2023. In 2023 the City of Surrey issued 2,700 IMBLs.

Staff have completed a comprehensive analysis of the potential impacts of including home health care support workers in the program, focusing on revenue and enforcement-related issues. The findings indicate that there are no anticipated adverse effects. Consequently, staff recommends expanding the Metro West IMBL program to incorporate businesses in the home health care support sector.

DISCUSSION

Home Health Care

Businesses that provide home healthcare and other in-home support services are good candidates for the Metro West IMBL. Many serve clients in multiple Metro Vancouver municipalities, providing services that include in-home medical care, transportation, companionship, and home making.

The City of Surrey issues about four hundred business licences each year to businesses whose core work is to provide in-home health care and nursing services. In addition, the City issues about one thousand licences annually to health care businesses that could provide in-home services as part of their business. These include registered massage therapy, fitness training, and counselling services, among others. Staff propose to expand the IMBL definition of an "inter-municipal business" to include home care and nursing, and other health care professionals and services when the services are provided in the client's home (Appendix "I").

IMBL Annual Fee

When the Metro West IMBL pilot launched in 2013, the \$250 annual fee was deemed to be appropriate. In the years since, while other City business licence fees have been adjusted annually, the IMBL fee which must be approved by all six participating municipalities, has remained unchanged. Financial analysis suggests that increasing the fee from \$250 to \$300 will help to offset administrative cost escalation experienced by participating municipalities over the last ten years.

Financial Implications

Staff expect that including home health care professionals and services to the Metro West IMBL will not have a material financial impact on the City. The revenue sharing model of the Metro West IMBL ensures that all participating municipalities receive a portion of the total revenues from licences issued.

Increasing the annual fee for the IMBL by \$50 is expected to generate approximately \$142,285 dollars in new revenue for the City in 2025.

Staff from each Metro West IMBL municipality will present the recommendations in this report to their respective Councils for approval in Q4 of 2024. All six participating municipalities must approve the recommendations in order for them to be implemented.

Implementation

Should all six participating municipalities enact the recommended bylaws, the Metro West IMBL will be available to health care professionals and services businesses on January 1, 2025, and the fee for all IMBL licence holders will be \$300.

Effective January 1, 2025, *Metro West Inter-Municipal Business Licence Bylaw, 2013, No. 18018* and *Metro West Inter-Municipal Business Licence Agreement Bylaw, 2015, No. 18543* will be repealed.

LEGAL SERVICES REVIEW

Legal Services has reviewed this report.

CONCLUSION

Removing barriers for home health care workers to conduct business across the participating Metro West municipalities represents an enhancement of the IMBL scheme. An adjustment to the annual license fee is also appropriate given the escalation of administrative costs since the fee was first introduced in 2013. Based on the information in this report, it is recommended that Council approve the proposed enactments of the IMBL Bylaw and the Agreement Bylaw for the Metro West Inter-Municipal Business Licence scheme.

Joey Jatinder Singh Brar
General Manager, Corporate Services

Appendix "I": Proposed bylaw *Metro West Inter-Municipal Business Licence Bylaw*
Appendix "II": Proposed bylaw *Metro West Inter-Municipal Business Licence Agreement Bylaw*

CITY OF SURREY

BYLAW NO. #####

A bylaw to permit certain categories of businesses to operate across the jurisdictional boundaries while minimizing the need to obtain a separate municipal business licence in each jurisdiction.

.....

- A. WHEREAS the City of Burnaby, the City of Delta, the City of New Westminster, the City of Richmond, the City of Surrey, and the City of Vancouver (the "Participating Municipalities") wish to permit certain categories of Businesses to operate across their jurisdictional boundaries while minimizing the need to obtain a separate municipal business licence in each jurisdiction;
- B. AND WHEREAS each of the Participating Municipalities has or will adopt a similar Bylaw and has or will enter into an agreement with the other Participating Municipalities to implement the inter-municipal business licence scheme;

NOW THEREFORE the Council of the City of Surrey ENACTS AS FOLLOWS:

- 1. This Bylaw may be cited for all purposes as "Metro West Inter-Municipal Business Licence Bylaw, 2024, No. #####"
- 2. There is hereby established an Inter-Municipal Business Licence scheme among the Participating Municipalities, pursuant to Section 14 of the Community Charter and Section 192.1 of the Vancouver Charter.

3. In this Bylaw:

"Business" has the meaning in the Community Charter;

"Community Charter" means the Community Charter, S.B.C. 2003, c. 26;

"Inter-Municipal Business" means any of the following businesses that provide services outside of their Principal Municipality:

- (a) a trades contractor or other professional related to the construction industry
- (b) a contractor who performs maintenance, repair and/or inspections of land and buildings; and

(c) a health care professional or a health care service provider who provides services by visiting clients in their homes.

"Inter-Municipal Business Licence" means a business licence which authorizes an Inter-Municipal Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities;

"Municipal Business Licence" means a licence or permit, other than an Inter-Municipal Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality;

"Participating Municipality" means any one of the Participating Municipalities;

"Person" has the meaning in the Interpretation Act, R.S.B.C. 1996, c. 238;

"Premises" means one or more fixed or permanent locations where the Person ordinarily carries on Business;

"Principal Municipality" means the Participating Municipality where a Business is located or has a Premises; and

"Vancouver Charter" means the Vancouver Charter, S.B.C. 1953 c. 55.

4. Subject to the provisions of this Bylaw, the Participating Municipalities will permit a Person who has obtained an Inter-Municipal Business Licence to carry on Business within any Participating Municipality for the term authorized by the Inter-Municipal Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
5. A Principal Municipality may issue an Inter-Municipal Business Licence to an applicant if the applicant is an Inter-Municipal Business and meets the requirements of this Bylaw, in addition to the requirements of the Principal Municipality's bylaw that applies to a Municipal Business Licence.
6. Notwithstanding that a Person may hold an Inter-Municipal Business Licence that would make it unnecessary to obtain a Municipal Business Licence in other Participating Municipalities, the Person must still comply with all other regulations of any municipal business licence bylaw or regulation in addition to any other bylaws that may apply within any jurisdiction in which the Person carries on Business.

7. An Inter-Municipal Business Licence must be issued by the Participating Municipality in which the applicant maintains Premises.
8. The Participating Municipalities will require that the holder of an Inter-Municipal Business Licence also obtain a Municipal Business Licence for Premises that are maintained by the licence holder within the jurisdiction of the Participating Municipality.
9. The Inter-Municipal Business Licence fee is \$300 and is payable to the Principal Municipality.
10. The Inter-Municipal Business Licence fee is separate from and in addition to any Municipal Business Licence fee that may be required by a Participating Municipality.
11. Despite section 11, the Inter-Municipal Business Licence fee will not be prorated.
12. The term of an Inter-Municipal Business Licence is twelve (12) months, except that at the option of a Participating Municipality, the length of term of the initial Inter-municipal Business Licence issued to an Inter-Municipal Business in that municipality may be less than twelve (12) months in order to harmonize the expiry date of the Inter-Municipal Business Licence with the expiry date of the Municipal Business Licence."
13. An Inter-Municipal Business Licence will be valid within the jurisdictional boundaries of all of the Participating Municipalities until its term expires, unless the Inter-Municipal Business Licence is suspended or cancelled or a Participating Municipality withdraws from the Inter-Municipal Business Licence scheme among the Participating Municipalities in accordance with this Bylaw.
14. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Inter-Municipal Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business Licence under the Community Charter or Vancouver Charter or under the business licence bylaw of the Participating Municipality. The suspension will be in effect throughout all of the Participating Municipalities and it will be unlawful for the holder to carry on the Business authorized by the Inter-Municipal Business Licence in any Participating Municipality for the period of the suspension.

15. A Participating Municipality may exercise the authority of the Principal Municipality and cancel an Inter-Municipal Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to cancel a business licence under the Community Charter or Vancouver Charter or the business licence bylaw of the Participating Municipality. The cancellation will be in effect throughout all of the Participating Municipalities.
16. The cancellation of an Inter-Municipal Business Licence under Section 15 will not affect the authority of a Participating Municipality to issue a business licence, other than an Inter-Municipal Business Licence, to the holder of the cancelled Inter-Municipal Business Licence.
17. Nothing in this Bylaw affects the authority of a Participating Municipality to suspend or cancel any business licence issued by that municipality or to enact regulations in respect of any category of Business under Section 15 of the Community Charter or Sections 272, 273, 279A, 279A.1, 279B, and 279C of the Vancouver Charter.
18. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Municipal Business Licence scheme among the Participating Municipalities, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of Inter-Municipal Business Licences, which date must be at least six months from the date of the notice; and
 - (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality's withdrawal from the Inter-Municipal Business Licence scheme.
19. The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.
20. Despite any other provision of this Bylaw, an Inter-Municipal Business Licence granted in accordance with this Bylaw does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the Participating Municipalities.
21. A business licence granted under any other inter-municipal business licence scheme is deemed not to exist for the purposes of this Bylaw even if a Participating Municipality is a participating member of the other inter-municipal business licence scheme.

- 22. "Metro West Inter-Municipal Business Licence Bylaw, 2013, No. 18018" is hereby repealed.
- 23. A decision by a court that any part of this bylaw is illegal, void, or unenforceable severs that part from this bylaw, and is not to affect the balance of this bylaw.
- 24. This Bylaw shall come into force and take effect on the 1st day of January, 2025.

PASSED FIRST READING on the ____ day of _____, 2024.

PASSED SECOND READING on the ____ day of _____, 2024.

PASSED THIRD READING on the ____ day of _____, 2024.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the on the ____ day of _____, 2024.

_____MAYOR

_____CLERK

CITY OF SURREY

BYLAW NO. #####

A Bylaw to enter into an agreement among the City of Burnaby, the City of Delta, the City of New Westminister, the City of Richmond, the City of Surrey, and the City of Vancouver (the "Participating Municipalities") regarding an Inter-Municipal Business Licence Scheme

.....

The Council of the City of Surrey, ENACT AS FOLLOWS:

1. The City is authorized to enter into an Agreement with the City of Burnaby, the City of Delta, the City of New Westminister, the City of Richmond, the City of Surrey, and the City of Vancouver, in substantially the form and substance of the Agreement attached to this Bylaw as Schedule "A".
2. The Mayor and the City Clerk are authorized on behalf of the Council to sign the Agreement.
3. Schedule "A" forms a part of this Bylaw.
4. "Metro West Inter-Municipal Business License Agreement Bylaw, 2015, No. 18543" is hereby repealed.
5. This Bylaw may be cited for all purposes as "Metro West Inter-Municipal Business Licence Agreement Bylaw, 2024, No. #####"

This Bylaw comes into force and takes effect on the 1st of January 2025.

PASSED FIRST READING on the ____ day of _____, 2024.

PASSED SECOND READING on the ____ day of _____, 2024.

PASSED THIRD READING on the ____ day of _____, 2024.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the ____ day of _____, 2024.

_____MAYOR

_____CLERK

Schedule "A"

Inter-Municipal Business Licence Agreement

This Agreement made the _____ day of _____, _____

WHEREAS the City of Burnaby, the City of Delta, the City of New Westminster, the City of Richmond, the City of Surrey, and the City of Vancouver (hereinafter the "Participating Municipalities") wish to permit certain categories of Businesses to operate across their jurisdictional boundaries while minimizing the need to obtain a separate municipal business licence in each jurisdiction;

NOW THEREFORE the City of Burnaby, the City of Delta, the City of New Westminster, the City of Richmond, the City of Surrey, and the City of Vancouver agree as follows:

1. The Participating Municipalities agree to establish an Inter-Municipal business licence scheme among the Participating Municipalities, pursuant to section 14 of the Community Charter and section 192.1 of the Vancouver Charter.
2. The Participating Municipalities will request their respective municipal councils to each ratify this Agreement and enact a bylaw to implement an Inter-Municipal business licence scheme effective January 1, 2025.
3. In this Agreement:

"Business" has the meaning in the Community Charter;

"Community Charter" means the Community Charter, S.B.C. 2003, c. 26;

"Inter-Municipal Business" means any of the following businesses that provide services outside of their Principal Municipality:

- (a) a trades contractor or other professional related to the construction industry;
- (b) a contractor who performs maintenance, repair and/or inspections of land and buildings; and
- (c) a health care professional or a health care service provider who provides services by visiting clients in their homes.

"Inter-Municipal Business Licence" means a business licence which authorizes an Inter-Municipal Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities;

"Inter-Municipal Business Licence Bylaw" means the bylaw adopted by the council of each Participating Municipality to implement the Inter-Municipal Business Licence scheme contemplated by this Agreement;

"Municipal Business Licence" means a licence or permit, other than an Inter-Municipal Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality;

"Participating Municipality" means any one of the "Participating Municipalities";

"Person" has the meaning in the *Interpretation Act*, R.S.B.C. 1996, c. 238;

"Premises" means one or more fixed or permanent locations where the Person ordinarily carries on Business;

"Principal Municipality" means the Participating Municipality where a Business is located or has Premises; and

"Vancouver Charter" means the Vancouver Charter, S.B.C. 1953 c. 55.

4. Subject to the provisions of the Inter-Municipal Business Licence Bylaw, the Participating Municipalities will permit a Person who has obtained an Inter-Municipal Business Licence to carry on Business within any Participating Municipality for the term authorized by the Inter-Municipal Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
5. A Principal Municipality may issue an Inter-Municipal Business Licence to an applicant if the applicant is an Inter-Municipal Business and meets the requirements of the Inter-Municipal Business Licence Bylaw, in addition to the requirements of the Principal Municipality's bylaw that applies to a Municipal Business Licence.
6. Notwithstanding that a Person may hold an Inter-Municipal Business Licence that would make it unnecessary to obtain a Municipal Business Licence in other Participating Municipalities, the Person must still comply with all other regulations of any municipal Business Licence Bylaw or regulation in addition to any other bylaws that may apply within any jurisdiction in which the Person carries on Business.

7. An Inter-Municipal Business Licence must be issued by the Participating Municipality in which the applicant maintains Premises.
8. The Participating Municipalities will require that the holder of an Inter-Municipal Business Licence also obtain a Municipal Business Licence for Premises that are maintained by the licence holder within the jurisdiction of a Participating Municipality.
9. The Inter-Municipal Business Licence fee is \$300 and is payable to the Principal Municipality.
10. The Inter-Municipal Business Licence fee is separate from and in addition to any Municipal Business Licence fee that may be required by a Participating Municipality.
11. Despite section 15, the Inter-Municipal Business Licence fee will not be pro-rated.
12. The Participating Municipalities will distribute revenue generated from Inter-Municipal Business Licence fees amongst all Participating Municipalities based on the Principal Municipality retaining 90% of the Inter-Municipal Business License fee and remaining 10% distributed equally to the remaining Participating Municipalities.
13. The Participating Municipalities will review the inter-municipal business licence scheme and the revenue sharing formula established by this Agreement from time to time and may alter the formula in Section 12 by written agreement of all Participating Municipalities.
14. The revenue generated from Inter-municipal Business Licence fees collected from January 1 to December 31 inclusive that is to be distributed to other Participating Municipalities, in accordance with section 12, will be distributed by February 28 of the year following the year in which fees were collected. The Participating Municipalities will designate one municipality, which may change from time to time, to calculate and distribute the revenue generated from Inter-municipal Business Licence fees.
15. The length of term of an Inter-Municipal Business Licence is twelve (12) months, except that, at the option of a Participating Municipality, the length of term of the initial Inter-Municipal Business Licence issued to an Inter-Municipal Business in that municipality may be less than twelve (12) months in order to harmonize the expiry date of the Inter-Municipal Business Licence with the expiry date of the Municipal Business Licence.
16. An Inter-Municipal Business Licence will be valid within the jurisdictional boundaries of all of the Participating Municipalities until its term expires, unless the Inter-Municipal Business Licence is suspended or cancelled or a Participating Municipality withdraws from

the inter-municipal business Licence scheme among the Participating Municipalities in accordance with the Inter-Municipal Business Licence Bylaw.

17. Each Participating Municipality will share a database of Inter-Municipal Business Licences, which will be available for the use of all Participating Municipalities.
18. Each Participating Municipality which issues an Inter-Municipal Business Licence will promptly update the shared database after the issuance of that licence.
19. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Inter-Municipal Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business licence under the Community Charter or Vancouver Charter or under the business licence bylaw of the Participating Municipality. The suspension will be in effect throughout all of the Participating Municipalities and it will be unlawful for the holder to carry on the Business authorized by the Inter-Municipal Business Licence in any Participating Municipality for the period of the suspension.
20. A Participating Municipality may exercise the authority of the Principal Municipality and cancel an Inter-Municipal Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to cancel a business licence under the Community Charter or Vancouver Charter or the business licence bylaw of the Participating Municipality. The cancellation will be in effect throughout all of the Participating Municipalities.
21. The cancellation of an Inter-Municipal Business Licence under section 20 will not affect the authority of a Participating Municipality to issue a business licence, other than an Inter-Municipal Business Licence, to the holder of the cancelled Inter-Municipal Business Licence.
22. Nothing in this Agreement affects the authority of a Participating Municipality to suspend or cancel any business licence issued by that municipality or to enact regulations in respect of any category of Business under section 15 of the Community Charter or sections 272, 273, 279A, 279A.1, 279B, and 279C of the Vancouver Charter.
23. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Municipal Business Licence scheme among the Participating Municipalities, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of Inter-Municipal Business Licences, which date must be at least six months from the date of the notice; and

- (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality's withdrawal from the Inter-Municipal Business Licence scheme.
- 24. Prior to the effective date of a withdrawal under section 23 of this Agreement, the remaining Participating Municipalities will review and enter into an agreement to amend the revenue distribution formula set-out in Schedule 1 of this Agreement.
- 25. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Council of the Participating Municipalities. Further, nothing contained or implied in this Agreement shall prejudice or affect the Participating Municipalities' rights, powers, duties or obligation in the exercise of its functions pursuant to the Community Charter, Vancouver Charter, or the Local Government Act, as amended or replaced from time to time, or act to fetter or otherwise affect the Participating Municipalities' discretion, and the rights, powers, duties and obligations under all public and private statutes, bylaws, orders and regulations, which may be, if each Participating Municipality so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the Participating Municipalities.
- 26. Despite any other provision of this Agreement, an Inter-municipal Business Licence granted in accordance with the Inter-municipal Business Licence By-law does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the Participating Municipalities. Furthermore, a business licence granted under any other inter-municipal business licence scheme is deemed not to exist for the purposes of this Agreement even if a Participating Municipality is a participating member of the other inter-municipal business licence scheme.
- 27. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the Participating Municipalities are not signatories to the original or the same counterpart.
- 28. This Agreement replaces and supersedes the Inter-municipal Business Licence Agreement entered into by the City of Burnaby, the City of Delta, the City of New Westminster, the City of Richmond, the City of Surrey, and the City of Vancouver in 2016.

SIGNED AND DELIVERED on behalf of the Participating Municipalities, the Councils of each of which has, by bylaw, ratified this Agreement and authorized their signatures to sign on behalf of the respective Councils, on the dates indicated below.

CITY OF BURNABY

Mayor _____

Clerk _____

Date _____

CITY OF DELTA

Mayor _____

Clerk _____

Date _____

CITY OF NEW WESTMINSTER

Mayor _____

Clerk _____

Date _____

CITY OF RICHMOND

Chief
Administrative
Officer _____

General Manager,
Corporate and
Financial Services _____

Date _____

CITY OF SURREY

Mayor _____

Clerk _____

Date _____

CITY OF VANCOUVER

Director of Legal
Services _____

Date _____