



# Corporate Report

NO: C019

COUNCIL DATE: October 1, 2007

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## COUNCIL-IN-COMMITTEE

TO: Mayor & Council DATE: September 25, 2007  
FROM: City Solicitor FILE: 0125-50  
SUBJECT: Community Charter and Local Government Act Municipal Powers  
Compared to the Vancouver Charter

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## RECOMMENDATION

It is recommended that Council:

1. receive this report as information; and
2. authorize the Mayor to forward a letter and a copy of this report to the Minister of Community Services with a request that the Province review the differences between the legislation governing Vancouver and the legislation governing the other local governments in B.C. and provide feedback to the City of Surrey as to how they intend to rectify the inequities that currently exist.

## INTENT

The intent of this report is to identify the key differences between the powers granted the City of Vancouver under the *Vancouver Charter* and those granted under the *Community Charter* and the *Local Government Act* to all other local governments in B.C., including the City of Surrey.

## DISCUSSION

The principal powers or other provisions enjoyed by the City of Vancouver under the *Vancouver Charter* that are not contained in the *Community Charter* or the *Local Government Act* include the following:

1. The City of Vancouver may borrow on its own authority without the approval of the Municipal Finance Authority/Greater Vancouver Regional District.
2. The City of Vancouver has a separately elected and empowered Parks Board.

3. The City of Vancouver enjoys statutory immunity in relation to building regulation both with respect to plan checking and building permit issuance as well as with respect to building inspections. With this protection, the City of Vancouver has no liability with respect to, for example, “leaky condos”. It also has the express authority to establish the Certified Professional Program in relation to building regulation, which is not specifically contained within the Community Charter. The Certified Professional Program allows the City to transfer its responsibilities to outside professionals (i.e., engineers and architects) along with any related liability.
4. The City of Vancouver has a separate building code and is not subject to Section 9 of the *Community Charter*, which requires that municipalities seek Provincial approval for, among other things, building regulation changes. As such, for example, the City of Vancouver may impose requirements respecting the installation of fire sprinklers or water conservation toilets without seeking the approval of the Minister.
5. The City of Vancouver has the authority to prohibit business or business activities whereas a municipality under the *Community Charter* may only regulate in respect of business or business activities.
6. The City of Vancouver has unique planning and land-use tools, including the power to delegate to the Director of Planning the authority to approve a required development permit and the authority to regulate or prohibit in respect to use and density in a development permit itself and not only through a zoning by-law. On the other hand, the *Community Charter* requires that City Council approve all development permits and does not allow City Council through a development permit to restrict or prohibit any use or density that is permitted under the site’s zoning.
7. The City of Vancouver has the authority to impose specialized development levies.

The Resort Municipality of Whistler also has a special Act, which applies in addition to the *Community Charter*. Under the *Resort Municipality of Whistler Act*, the Resort Municipality has the benefit of the following:

1. Council may impose development cost charges for the purpose of developing affordable housing.
2. Whistler development permits may deal with the details of design, exterior cladding, other exterior finishings, landscaping or other details of development beyond form and character.

In consideration of Surrey being the second largest city in B.C. with a population in the order of 420,000 in comparison to Vancouver's population, which is in the range of 575,000, and with reliable population projections showing that Surrey will become the largest city in B.C. in approximately 15 years, it appears very inequitable that it is not provided with the same authorities and protection from liability as are provided to the City of Vancouver under the *Vancouver Charter*.

## **CONCLUSION**

Based on the above, it is recommended that Council authorize the Mayor to forward a letter and a copy of this report to the Minister of Community Services with a request that the Province review the differences between the legislation governing Vancouver and the legislation governing the other local governments in B.C. and provide feedback to the City of Surrey as to how they intend to rectify the inequities that currently exist.

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