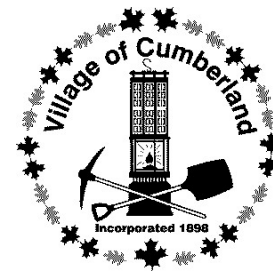


**The Corporation of the Village of Cumberland  
Regular Council Meeting Agenda**

**May 30, 2022 at 5:30 p.m.  
Council Chamber, 2675 Dunsmuir Avenue**



We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

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- 1. Approval of Agenda**
  - 1.1. Agenda for Regular Council Meeting - May 30, 2022  
**Recommendation:**  
 THAT Council approve the agenda for the May 30, 2022 Regular Council Meeting.
  
- 2. Minutes**
  - 2.1. Adoption of Minutes Recommendation: 7  
 THAT Council adopt the following minutes:
    - Regular Council Meeting May 9, 2022
  
- 3. Delegations**
  - 3.1. School District 71 - Ian Heselgrave, Director of Operations & Brenda Hooker, Secretary Treasurer - Childcare Project Update 11  
**Recommendation:**  
 THAT Council receive the delegation of Ian Heselgrave and Brenda Hooker from School District 71.
  
- 4. Correspondence**
  - 4.1. City of Campbell River 12  
 55+ BC Games Application for 2024, 2025 or 2026  
**Recommendation:**  
 THAT Council receive correspondence from the City of Campbell River re: 55+ BC Games Application for information.  
**Recommendation:**  
 THAT Council direct staff to report back to Council with more information to support an application for the Campbell River and Comox Valley local governments to jointly host the 55+ BC Games in 2024, 2025, or 2026.
  
- 5. Unfinished Business**

## 6. Reports

- 6.1. Development & Development Variance Permit Application 13  
2727 Allen Avenue  
Prepared by Meleana Searle, Planner

**Recommendation:**

THAT Council receive the Development & Development Variance Permit Application, 2727 Allen Avenue

**Recommendation:**

THAT Council refer the application for a development permit (2022-03-DP) for a new accessory dwelling unit and development variance permit (2022-04-DV) to increase the maximum permitted GFA of the ADU for 2727 Allen Avenue to the Advisory Planning Commission for comment.

- 6.2. Cumberland Childcare Project Update 47  
Prepared by: Kaelin Chambers, Economic Development Officer

**Recommendation:**

THAT Council receive the Cumberland Childcare Project Update report.

**Recommendation:**

THAT Council approve the intent of the draft Memorandum of Understanding with School District 71 for the Cumberland Childcare Project; and THAT Council direct staff to finalize and execute the MOU with SD71.

- 6.3. Remedial Action Order, 2721 Derwent Avenue 54  
Prepared by Rachel Parker, Corporate Officer

**Recommendation:**

THAT Council receive the Remedial Action Order, 2721 Derwent Avenue report.

**Recommendation:**

THAT Council adopt the following resolution:

WHEREAS the Council of the Village of Cumberland has the authority, under Division 12 of Part 3 of the *Community Charter*, to impose remedial action requirements in relation to hazardous conditions and declared nuisances;

AND WHEREAS, Council received the Remedial Action Requirements, 2721 Derwent Avenue Report on May 30, 2022;

AND WHEREAS, the Mayor and Council of the Corporation of the Village of Cumberland, in an open meeting assembled, and pursuant to Division 12 of Part 3 of the *Community Charter*, hereby resolve as follows:

- i. THAT Council considers and declares that the accumulation and untidy storage of the following matters and things located upon the Property are unsightly and a nuisance, and are so dilapidated or unclean as to be offensive to the community, all within the meaning of subsections 74(1) and (2) of the *Community Charter*:

- (a) all vehicles or parts thereof, including all cars, trucks, all-terrain vehicles, recreation vehicles, motorcycles, trailers, and any modified configuration thereof (collectively referred to as “Vehicles”), that:
  - 1) are physically wrecked or disabled;
  - 2) are not capable of operating under their own power or, in the case of trailers, are incapable of being towed in the manner a trailer is normally towed; or
  - 3) do not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* R.S.B.C., 1996 c. 318, as amended, from time to time;
- (b) all Vehicle parts and tires not currently affixed to a Vehicle;
- (c) all Vehicle storage boxes and Vehicle ramps;
- (d) all gas storage containers, Vehicle fluid storage containers, rusted and partially rusted containers, all batteries, including without limitation, all Vehicle batteries, and all household furnaces;
- (e) all machinery, equipment, mechanical and metal parts, appliances, fixtures, and furniture;
- (f) all building materials and equipment, including, without limitation, all lumber, shingles, roofing materials, plumbing, tubing, nails, ladders, and solar panels;
- (g) all cords, hoses, and cables, including, without limitation, all illegally installed cables attached to the hot tub;
- (h) all fences and accessory structures characterized by holes, breaks, rot, leaning, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, excessive use, or lack of maintenance;
- (i) all landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged; and
- (j) all rubbish, filth, and discarded materials, and other offensive materials, substances, and objects,
 

even where such items are not considered rubbish (collectively, the “Nuisance Items”);
- ii. THAT Council considers and declares that the following structure situated on the Property is a nuisance, and that it is in and creates an unsafe condition, and that it contravenes the Provincial building regulations and the Village of Cumberland *Building Bylaw*, all within the meaning of subsections 74(1), 73(1)(a), 73(2)(a), and 73(2)(b) of the *Community Charter*:
  - (a) the illegal garage/shop structure located at the northwest corner of the Property, including the attached deck, which said structure was built contrary to Stop Work Orders issued by the

Village and occupied contrary to a Do Not Occupy Order issued by the Village (the “Structure”);

- iii. THAT the following Remedial Action Requirement Order is hereby imposed upon the Owner of the Property, pursuant to sections 72, 73, and 74 of the *Community Charter*:
  - (a) within Thirty (30) days of receiving notice of this Remedial Action Requirement Order, the Owner must remove from the Property all Nuisance Items referred to in paragraph (i) above;
  - (b) within Thirty (30) days of receiving notice of this Remedial Action Requirement Order, the Owner must ensure that the Property is in a neat, cleared, and orderly condition;
  - (c) within Thirty (30) days of receiving notice of this Remedial Action Requirement Order, the Owner must:
    - 1) demolish the Structure;
    - 2) remove all extension cords, wires, and wiring to, from, in, and about the Structure;
    - 3) remove to an appropriate disposal site all debris from the Property arising out of or in connection with the said demolition, including, without limitation, all blocks and concrete; and
    - 4) level the site of the demolition and leave such site in a neat, cleared, and safe condition, (collectively, the “Remedial Action Requirements”);
- vii. THAT, pursuant to Section 78 of the *Community Charter*, **the time limit for giving notice of a request for Council to reconsider this Remedial Action Requirement Order is no later than 4:00 p.m. on the 14<sup>th</sup> day after receipt of the notice of Remedial Action Requirement Order;**
- viii. THAT, in the event the Remedial Action Requirements set out in paragraph (iii) above are not completed within the deadlines noted:
  - (a) The Village of Cumberland’s staff, its agents, and its contractors are authorized to enter the Property and take all appropriate action in accordance with section 17 of the *Community Charter [Municipal Action at Defaulter’s Expense]* to ensure that the said Property is brought into compliance with this Remedial Action Requirement Order;
  - (b) all costs incurred by the Village of Cumberland to bring the Property into compliance shall be at the expense of the Owner; and
  - (c) all such costs shall be recovered from the Owner as special fees and a debt owed to the Village of Cumberland for work done or services provided to land or improvements, and may be collected in the same manner as property taxes, all in accordance with the *Community Charter*;
- ix. THAT, should the Village of Cumberland’s staff, its agents, and/or its contractors attend and enter the Property for the purposes of paragraph (viii) above, members of the Royal Canadian Mounted Police may accompany them for the purposes of keeping the peace;

- x. THAT **the Owner and the Occupant must provide free and unfettered access to the Property, including, without limitation, unfettered access to and in the Structure referred to in paragraph (ii) above**, to permit the Village of Cumberland’s staff, its agents, and its contractors to fulfill the terms of this Remedial Action Requirement Order, **between the hours of 8 a.m. and 5 p.m. Monday through Friday, excepting statutory holidays**;
- xi. THAT, for clarity, no person, including the Owner and the Occupier, may impede the Village of Cumberland’s staff, its agents, or its contractors in any way from performing the work contemplated by this Remedial Action Requirement Order; and
- xii. THAT Council authorizes the Interim Chief Administrative Officer, or their designate, to provide further directions to implement the intent of Council's ordered Remedial Action Requirements.

**7. Bylaws**

- 7.1. Good Neighbour Bylaw 86  
 Prepared by Rachel Parker, Corporate Officer  
**Recommendation:**  
 THAT Council receive the Good Neighbour Bylaw report.  
**Recommendation:**  
 THAT Council give first, second, and third reading to Good Neighbour Bylaw No. 1168, 2022.  
**Recommendation:**  
 THAT Council direct staff to prepare an update to Council’s Bylaw Enforcement Policy to update pro-active enforcement areas and prioritize enforcement response to complaints.  
**Recommendation:**  
 THAT Council direct staff to prepare an amendment to the Municipal Ticket Bylaw to include ticket amounts for contravention to the Good Neighbour Bylaw.
  
- 7.2. Election Procedures Amendment Bylaw No. 1169, 2022 119  
 Prepared by Rachel Parker, Corporate Officer  
**Recommendation:**  
 THAT Council receive the Election Procedures Amendment Bylaw No. 1169, 2022 report.  
**Recommendation:**  
 THAT Council give first, second and third reading to Election Procedures Amendment Bylaw No. 1169, 2022.

**8. New Business**

**9. Notices, Motions and Announcements**

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a public hearing, and notices of motion introduced by a council member:

- Village Hall June 6, 2022 at 7:00 pm Chinatown Pavilion (weather dependent)
- Heritage Committee June 7 at 5:00 pm
- Advisory Planning Commission June 9 at 4:00 pm
- Regular Council Meeting June 13, 2022

**10. Question Period**

A member of the public may only inquire about items included on the agenda for that meeting during a question period.

- Please send questions by email to [info@cumberland.ca](mailto:info@cumberland.ca) using subject line "Question Period"; Note: please limit to questions only - comments will not be read.

**11. Closed Portion**

**Recommendation:**

THAT Council close the meeting to the public pursuant to Section 90 of the Community Charter to consider:

- (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 municipality;

**12. Adjournment**