

City of Maple Ridge

COUNCIL WORKSHOP AGENDA

May 14, 2019

1:30 PM

Blaney Room, 1st Floor, City Hall

The purpose of the Council Workshop is to review and discuss policies and other items of interest to Council. Although resolutions may be passed at this meeting, the intent is to make a consensus decision to send an item to Council for debate and vote or refer the item back to staff for more information or clarification. The meeting is live streamed and recorded by the City of Maple Ridge.

REMINDERS

DATE

Council Meeting

7:00 p.m.

1. **APPROVAL OF THE AGENDA**

2. **ADOPTION OF MINUTES**

2.1 Minutes of the May 7, 2019 Council Workshop Meeting

3. **PRESENTATIONS AT THE REQUEST OF COUNCIL**

4. **UNFINISHED AND NEW BUSINESS**

4.1 **Council Procedures Bylaw Discussion**

- L. Benson, Director of Corporate Administration

4.2 **Abernethy Way Extension Study (232 Street to 256 Street)**

Staff report dated May 14, 2019 providing information on the Abernethy Way Extension Study.

4.3 **Recovery House Regulations**

Staff report dated May 14, 2019 recommending that staff prepare an options report based on Council's identified preferred regulatory directions, as outlined in the report titled "Supportive Recovery Housing: Update and Next Steps" dated May 14, 2019 to be brought back to a future Council Workshop.

5. **CORRESPONDENCE**

5.1 **Upcoming Events**

By Invitation to Mayor and Council

May 16, 2019 11:30 am – 1:30 pm	UDI Luncheon: Samuel Assefa, Director of Seattle’s Executive Office of Planning & Community Development
May 17, 2019 7:30 – 10:30 pm	Xtreme Theatre Opening Night- Les Miserables School Edition The ACT Arts Centre (This event runs from May 15 – 18, 2019)

General Community Events

May 16, 2019 10:00 am – 2:00 pm	Seniors Health & Wellness Fair Golden Ears United Church
May 18, 2019 9:00 am – 2:00 pm	Haney Farmers Market Memorial Peace Park

Open Houses

May 16, 2019 4:00 – 7:00 pm	Dewdney Trunk Road & 227 Street Watermain Replacements City Hall Foyer
May 16, 2019 5:30 – 8:30 pm	North East Albion Emerging Ideas Open House Samuel Robertson Technical School

6. **BRIEFING ON OTHER ITEMS OF INTEREST/QUESTIONS FROM COUNCIL**

7. **MATTERS DEEMED EXPEDIENT**

8. **ADJOURNMENT**

Checked by: 

Date: May 10/19

2.0 Minutes

2.0

City of Maple Ridge

COUNCIL WORKSHOP MINUTES

May 7, 2019

The minutes of the meeting held on May 7, 2019 at 2:52 p.m. in Blaney Room of City Hall, 11995 Haney Place, Maple Ridge, BC for the purpose of transacting regular City business.

PRESENT	<i>Appointed Staff</i>
<i>Elected Officials</i>	K. Swift, Acting Chief Administrative Officer
Mayor M. Morden	F. Quinn, General Manager Public Works & Development Services
Councillor J. Dueck	D. Boag, Acting General Manager Parks, Recreation & Culture
Councillor C. Meadus	L. Benson, Director of Corporate Administration
Councillor G. Robson	<i>Other Staff as Required</i>
Councillor R. Svendsen	C. Carter, Director of Planning
Councillor A. Yousef	D. Pollock, Municipal Engineer
	T. Thompson, Chief Financial Officer
ABSENT	C. Goddard, Manager of Development and Environmental Services
Councillor Duncan	B. Elliott, Manager of Community Planning
	D. Denton, Acting Director of Economic Development & Civic Prop.
	C. Crabtree, Chief Information Officer
	M. Baski, Planner 2
	D. Mikes, Manager of Procurement

Note: These Minutes are posted on the City website at mapleridge.ca/AgendaCenter/
Video of the meeting is posted at <http://media.mapleridge.ca/Mediasite/Showcase>

1. **APPROVAL OF THE AGENDA**

R/2019-262

It was moved and seconded

That the agenda of the May 7, 2019 Council Workshop agenda be amended by adding as Item 7.1 "Owner/Occupant Requirement for Secondary Suites"; and,

That the agenda as amended be approved.

CARRIED

2. **ADOPTION OF MINUTES**

2.1 Minutes of the April 23, 2019 Council Workshop Meeting

R/2019-263

It was moved and seconded

That the minutes of the April 23, 2019 Council Workshop Meeting be adopted.

CARRIED

3. **PRESENTATIONS AT THE REQUEST OF COUNCIL** – Nil

4. UNFINISHED AND NEW BUSINESS

4.1 Review Purchasing Policy 5.45

Staff report dated May 7, 2019 recommending that Purchasing Policy 5.45 be revised as discussed in the staff report dated May 7, 2019 and brought back for Council Consideration.

D. Mikes, Manager of Procurement, provided report highlights and answered questions from Council. Council provided input for the Purchasing Policy amendment.

R/2019-264

It was moved and seconded

That Purchasing Policy 5.45 be revised as discussed in the staff report dated May 7, 2019 and brought back for Council consideration.

CARRIED

4.2 Tandem Parking

Staff report dated May 7, 2019 recommending that staff be directed to consult with residents residing in certain townhouse developments as listed in the report dated May 7, 2019, the Urban Development Institute and Homebuilders Association of Vancouver Municipal Advisory Committee, the Builders' Forum and Condominium Home Owners' Association to obtain feedback regarding tandem parking.

M. Baski, Planner 2, provided a PowerPoint presentation to highlight points from the report. Council provided feedback to Staff.

R/2019-265

It was moved and seconded

That Staff be directed to consult with residents residing in certain townhouse developments as listed in the report dated May 7, 2019, the Urban Development Institute and Homebuilders Association of Vancouver Municipal Advisory Committee, the Builders' Forum, and Condominium Home Owners' Association to obtain feedback regarding tandem parking.

CARRIED

Item 4.4 was dealt with prior to 4.3.

4.3 Downtown Security Update

- Christina Crabtree, Chief Information Officer
- Darrell Denton, Acting Director of Economic Development & Civic Property

C. Crabtree, Chief Information Officer gave a PowerPoint presentation highlighting what is currently being done with security in the downtown as a priority area of the

Community Safety Plan. She outlined partners Westridge Security, RCMP, Core Security Group, and Community Stakeholders, stated they are making efforts to obtain data from these partners. Council provided input on additional partners that should be engaged in the process and further suggestions.

R/2019-266

It was moved and seconded

That the funding required to supplement the downtown security requirements be funded from the Police Services Reserve.

CARRIED

4.4 UBCM and FCM Resolutions Process

Staff report dated May 7, 2019 recommending that the process outlined in Attachment A of the report titled "UBCM and FCM Resolutions Process" be approved and that Council members submit UBCM resolution ideas to the Corporate Officer by 4:00 p.m. on May 14, 2019 for staff to prepare a list of resolutions for consideration at the May 21, 2019 Council Workshop meeting.

L. Benson, Director of Corporate Administration and S. Nichols, Records Management Coordinator, provided a PowerPoint presentation and reviewed the report content.

R/2019-267

It was moved and seconded

That the process outlined in Attachments A and B of the report titled "UBCM and FCM Resolutions Process" be approved; and further

That Council members submit UBCM resolution ideas to the Corporate Officer by 4:00 p.m. on May 14, 2019 so that staff can prepare a list of resolutions for consideration at the May 21, 2019 Council Workshop meeting.

CARRIED

5. *CORRESPONDENCE*

5.1 Upcoming Events

6. *BRIEFING ON OTHER ITEMS OF INTEREST/QUESTIONS FROM COUNCIL* – Nil

7. *MATTERS DEEMED EXPEDIENT*

7.1 Secondary Suites – Owner Occupancy Requirement

R/2019-268

It was moved and seconded

That staff bring back the consideration of removing the requirement for owner occupancy in homes with secondary suites, along with appropriate accountability mechanisms, on June 25, and further

That the current bylaw enforcement issue related to this item be held in abeyance until after the matter is considered on June 25, 2019.

CARRIED

8. *ADJOURNMENT* – 4:39 p.m.

M. Morden, Mayor

Certified Correct

L. Benson, Corporate Officer



City of Maple Ridge

TO: His Worship Mayor Michael Morden
and Members of Council

MEETING DATE: May 14, 2019

FILE NO: 11-5255-40-208

FROM: Chief Administrative Officer

MEETING: Workshop

SUBJECT: Abernethy Way Extension Study (232 Street to 256 Street)

EXECUTIVE SUMMARY:

The City's 2014 Strategic Transportation Plan (STP) identifies the City's highest traffic volumes are carried by three east west corridors: Lougheed Highway, Dewdney Trunk Road and Abernethy Way. The STP recommends improvements to the Abernethy Way Corridor in 4 phases. Phase 1 improvements (210 Street to 224 Street) have already been completed while Phase 2 improvements are currently in the design phase. This report discusses the findings of the Abernethy Way Extension Study, 232 Street to 240 Street being Phase 3 and 240 Street to 256 Street being Phase 4, respectively.

The Abernethy Way extension project is expected to advance the growth and development of the industrial and employment lands in the north east area of Maple Ridge. The future construction of 240 Street which includes the secondary bridge crossing into the Silver Valley area will also connect with the extension of Abernethy Way. This connection will also provide another alternative route for visitors and residents heading to the Golden Ears Provincial Park.

The study objectives were to assess the feasibility of various route options of the Abernethy Way extension, narrow down the options to a select few and evaluate them relative to each other. The study corridor begins at 232 Street and ends at 256 Street. Thirteen options were initially reviewed and narrowed down to three preferred options for detailed comparison using a multiple account evaluation (MAE). The MAE process includes public input for evaluating the final ranking of the three possible route options. After the public consultation process is complete, the MAE will be completed for Council's consideration and determination of the next steps.

RECOMMENDATION:

This report is submitted for information.

DISCUSSION:

a) Background Context:

The existing Abernethy Way is a vital east-west transportation corridor in the City of Maple Ridge, it connects to the Golden Ears Bridge to the west and 232 Street to the east. It's also classified as one of TransLink's Major Regional Network (MRN) corridors.

The primary objectives for the Abernethy Way Extension Project are to:

- Improve access to the Industrial and Employment Lands in North East Maple Ridge, as per the City's Official Community Plan (OCP)
- Provide a connection to the future 240 Street Bridge Crossing and access to the Silver Valley Area
- Improve both local and regional traffic flow including access to the Golden Ears Park
- Provide redundancy in the road network and an alternative emergency route

The City's 2014 Strategic Transportation Plan (STP) recommended road widening of Abernethy Way from 210 Street to 232 Street and also identified the potential extension of Abernethy Way from 232 Street to 256 Street.

This report focuses on the contemplated extension of Abernethy Way from 232 Street to 256 Street (Phase 3 and 4), Phase 1 of the improvements has already been completed, which included four-laning Abernethy Way from 210 Street to 224 Street. Phase 2 will focus on improving intersection capacity at 210 Street and 232 Street and is currently in the design stage.

The study reviewed 1 possible road alignment options to extend Abernethy Way from 232 Street to 240 Street (Phase 3) and then from 240 Street intersection to 256 Street (Phase 4). The feasibility of the thirteen possible road alignment options were reviewed using feasibility criteria that assessed factors such as:

- Number of bridges required
- Road geometry
- Environmental impacts
- Geotechnical suitability
- Archaeological assessments
- Road capacity requirement (number of travel lanes),
- Cost effectiveness

This criteria assisted in narrowing down the feasible route options to three by identifying the various constraints and challenges associated with each option.

Phase 3 (232 Street to 240 Street):

Generally, the possible route options had similar road alignments starting from the west using the existing 124 Avenue Right-of-Way (ROW) and then passing through rural properties, near Hackers Haven Golf Course and then connecting to 240 Street on the east.

Phase 4 (240 Street intersection to 256 Street):

In developing potential routes for consideration, the consultant considered options utilizing existing roadways as well as new road allowances, if there were possible advantages in the routing.

All three options had various advantages and disadvantages and a further refinement to select the most feasible option was necessary. A Multiple Account Evaluation (MAE) process was initiated which included ten criteria. The MAE process is in progress and includes a public consultation process where all the three options would be presented to seek further public input.

Once public feedback is received, the MAE will be completed and brought to Council to seek further direction regarding advancing the best possible route option for the Abernethy Way Extension. The next steps would be to commence the conceptual engineering design work for the preferred route option as well as potential phasing of the project.

Traffic Forecasting

Traffic forecasting is generally carried out to determine the level of roadway capacity (i.e. number of lanes) that would be required in the future.

Forecasted future traffic volumes have been determined for the Abernethy Way Extension (Phase 3 and Phase 4) project. Based on the road section of the preferred route option, further determination for the number of lanes will be made during the conceptual design stage with an expectation that the roadway may be constructed in phases and the number of travel lanes increased as traffic volumes increase.

With respect to traffic capacity on Golden Ears Way and the potential to four-lane this section of roadway west of 210 Street, the City is in discussions with TransLink to identify the steps necessary to consider the roadway expansion.

b) Desired Outcome:

To shortlist the most feasible road alignment options which would extend Abernethy Way from 232 Street to 256 Street, advancing the development of Industrial and Employment Lands in North East Maple Ridge, as per the City's OCP and STP goals.

c) Strategic Alignment:

The Abernethy Way Extension Project (232 Street to 256 Street) will support Council's Strategic Plan alignment for "Growth".

d) Citizen/Customer Implications:

A Public consultation process will be undertaken to gain valuable feedback for the various road alignment options.

e) Interdepartmental Implications:

The Engineering Department will continue to work with the Planning and Operations Departments in the planning and design of the new roadway.

f) Business Plan/Financial Implications:


The current overall cost for the Abernethy Way Extension from 232 Street to 256 Street (Phase 3 & 4) is approximately in the range of \$62-65 Million depending on the final road alignment chosen.

The project is anticipated be funded through Provincial (TransLink), City's Capital Plan, and Federal Grant Opportunities.

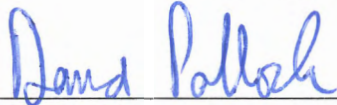
CONCLUSIONS:

The Abernethy Way Extension Study (232 Street to 256 Street) has determined that an extension of Abernethy Way from 232 Street to 256 Street is technically feasible. The early level of conceptual engineering undertaken in this study resulted in a number of combinations of possible routes. Possible options ranged in value from \$62M to \$65M.

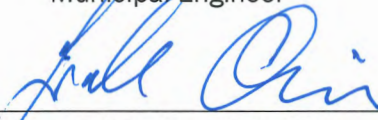
The next steps for the study is to engage in public consultation to assist the Multiple Account Evaluation (MAE) process in narrowing down the possible road alignment options and determining a preferred route.



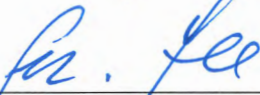
Prepared by: Purvez Irani, PEng., PTOE
Manager of Transportation



Reviewed by: David Pollock, PEng.
Municipal Engineer



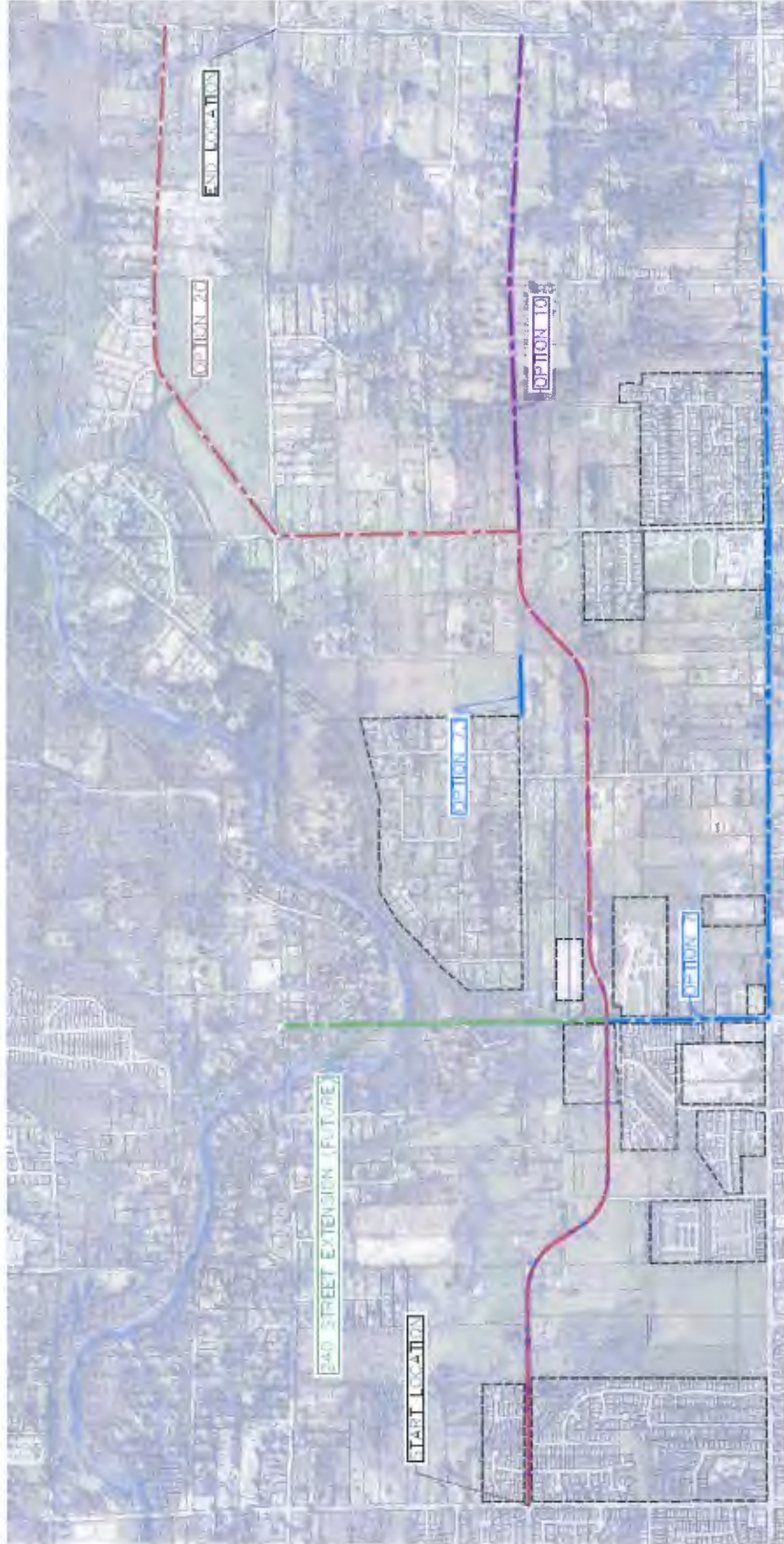
Approved by: Frank Quinn, MBA, PEng.
General Manager Public Works & Development Services



Concurrence: Kelly Swift, MBA
Acting Chief Administrative Officer



232 ST. 237 ST. 240 ST. 244 ST. 248 ST. 252 ST. 256 ST.



130 AVE.

128 AVE.

124 AVE.

DEWDNEY TRUNK RD.



CITY OF MAPLE RIDGE
ENGINEERING DEPARTMENT

KEY PLAN - SELECTED OPTIONS
ABERNETHY WAY
232 STREET TO 256 STREET
DATE: 11/01/2013
PAGE: 3 OF 10
PROJECT NO: ENT1-66

DATE	11/01/2013
SCALE	AS SHOWN
PROJECT	ABERNETHY WAY
DATE OF PLAN	11/01/2013
DATE OF ISSUE	11/01/2013

SYMBOL		DESCRIPTION
(Symbol)	PROPOSED	STREET
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REVISIONS
DATE: 11/01/2013
BY: [Name]
DESCRIPTION: [Description]

NO.	DATE	DESCRIPTION
1	11/01/2013	ISSUE FOR PERMIT

TO: His Worship Mayor Michael Morden
and Members of Council
MEETING DATE: May 14, 2019
FILE NO: 2017-231-RZ
FROM: Chief Administrative Officer
MEETING: Workshop
SUBJECT: Supportive Recovery Housing: Update and Next Steps

EXECUTIVE SUMMARY:

In 2017, staff presented Maple Ridge Zoning Bylaw Amendment No. 7339-2017 and a draft Housing Agreement template, to regulate the unregulated private supportive recovery homes and other similar care facilities in the City. In June 2017, the amending bylaw and draft housing agreement template were given First and Second Reading and referred to Public Hearing. Following the public's input, both items were deferred by Council on June 27, 2017 pending further work and consideration of the approach proposed at that time.

As Council has now expressed an interest in revisiting the issue of supportive recovery homes and other similar care facilities in Maple Ridge, this report will identify the differences between various types of care facilities, outline the prior draft zoning and housing agreement and the information gained through a number of stakeholder interviews, as well as outline the City's current regulatory and policy base for supportive recovery housing in the City. The intent of this report is to seek Council's preferred zoning next steps, from a list of possible regulatory options. From Council's deliberation, staff will prepare an options report setting out possible draft zoning amendments, and potentially operating terms and conditions to be secured through a Housing Agreement, to be brought back to an upcoming Council Workshop for further discussion.

RECOMMENDATION:

That staff prepare an options report based on Council's identified preferred regulatory directions, as outlined in the report titled "Supportive Recovery Housing: Update and Next Steps", dated May 14, 2019, to be brought back to a future Council Workshop.

BACKGROUND:

In April 2016, Council passed a resolution directing staff to present options to regulate care facilities in Maple Ridge.

On April 24, 2017, staff provided an overview of this issue in a report to Council. The report included a review of best practices and a scan of local municipal approaches to this issue. Two options were presented; Council chose Option 1 and passed the following resolution:

R/2017-135: that staff be directed to prepare bylaw amendments and a Housing Agreement template to regulate Supportive Recovery Homes and other similar facilities as identified in Option 1: Creation of Regulations for uses with a maximum of 10 residents in the Policy and Regulations section of the report, entitled "Options for Regulating Supportive Recovery Homes, Transitional Housing, Assisted Living Residences and Community Care Facilities," dated April 24, 2017.

On June 6, 2017, staff presented a report, including a draft Zoning Bylaw Amendment No. 7339-2017, to regulate unregulated private supportive recovery homes and other similar care facilities and a draft Housing Agreement template. Council gave the Zoning Bylaw Amendment No. 7339-2017 First and Second Reading and forwarded it to Public Hearing.

The Public Hearing on June 20, 2017 was well attended by community residents and care facility operators. There were 22 speakers, with a number of respondents speaking twice. Approximately half of the comments were supportive of the proposed Zoning Bylaw Amendment and half were opposed. It is noted the Zoning Bylaw Amendment was the focus of the Public Hearing and did not include the draft Housing Agreement template.

On June 27, 2017, Council considered the Zoning Bylaw Amendment for Third Reading, however, opted to defer Third Reading of Zoning Bylaw Amendment No. 7339-2017.

DISCUSSION:

The matter of supportive recovery housing in the City has long been studied and discussed. That said, it is acknowledged that the topic is complex, with limited consistency amongst the various agencies involved in its definition. Regulating supportive recovery housing also translates into direct impacts to local non-profit organisations and their residents. Within that context, in 2016 Council previously directed the development of zoning amendments towards better defining supportive recovery housing through our Zoning Bylaw, as well as the establishment of a number of regulatory parameters upon which such a use could be permitted in Maple Ridge. Accompanying the draft zoning was also a set of operating terms and conditions established as an accountability mechanism and implemented through a draft Housing Agreement template.

The details of the draft zoning and housing agreement template are provided later in this report, but as a first step in this current discussion it is important to clarify the many forms that supportive recovery housing can take in our community, including Community Care Facilities, Assisted Living Residences, and those private facilities that not regulated by the Province. As well, it is equally necessary to outline the City's current policies and regulations that pertain to supportive recovery homes by identifying relevant sections of our Official Community Plan, Zoning Bylaw, and Business Licensing and Regulation Bylaw.

a) Types of Provincially Regulated Facilities

The provincial Community Care and Assisted Living Act provides licensing for Community Care facilities and a registration process for Assisted Living Residences. In short, these facilities can be characterized as follows:

- i. A Community Care Facility is a premises or part of premises in which an operator provides care and housing to 3 or more persons who are not related. A Community Care facility must be licensed under the Community Care and Assisted Living Act. Licensing programs for community care facilities are operated by regional health authorities such as Fraser Health. Those Community Care facilities that contain more than 10 people in care are subject to municipal zoning. Those facilities that are used as a residence for no more than 10 persons, not more than 6 of whom are persons in care are exempt from municipal zoning.
- ii. An Assisted Living Residence is a premises or part of a premise, other than a Community Care Facility, in which housing, and hospitality services are provided by or through the operator to 3 or more adults who are not related. An Assisted Living Residence must be registered with the Assisted Living Registrar and must comply with municipal zoning.

b) Unregulated Private Facilities

Missing from the above two types of facilities are the unregulated private supportive recovery homes. Such private facilities may resemble a Community Care Facility or an Assisted Living Residence, in that they offer housing as well as a measure of hospitality services, but may not offer any prescribed services. Such private supportive recovery homes are not regulated under the Community Care and Assisted Living Act and therefore do not require registration under the Assisted Living Registrar or licensing under the Community Care and Assisted Living Act. Such unregulated private facilities are subject to municipal zoning, however, such facilities can be difficult to target with regulations. Specifically, as private supportive recovery homes can host any number of unrelated people in a shared living arrangement, any regulatory effort intended to focus on such facilities may also unintentionally include other forms of residential living that are premised on sharing a dwelling unit (such as boarding uses).

c) Prescribed Services:

Under the Community Care and Assisted Living Act, facilities are categorized based on the number of prescribed services that are provided over and above the typical housing and hospitality services these facilities inherently represent.

Prescribed services are defined as the following by the Community Care and Assisted Living Regulation:

- i. regular assistance with activities of daily living, including eating, mobility, dressing, grooming, bathing or personal hygiene;
- ii. central storage of medication, distribution of medication, administering medication or monitoring the taking of medication;
- iii. maintenance or management of the cash resources or other property of a resident or person in care;
- iv. monitoring of food intake or of adherence to therapeutic diets;
- v. structured behaviour management and intervention; and
- vi. psychosocial rehabilitative therapy or intensive physical rehabilitative therapy.

A Community Care Facility provides hospitality services plus 3 or more prescribed services. An Assisted Living Residence provides hospitality services plus 1 but not more than 2 prescribed services. It is noted that house-keeping services such as provision of meals, laundry and housecleaning are not considered prescribed services.

Figure 1 below shows how Community Care Facilities and Assisted Living Residences are categorized according to the number of prescribed services and the licensing or registration requirements, where applicable. Categorization is also impacted by the number of people in a facility. Also outlined in the table is a comparison of Community Care Facilities and Assisted Living Residences to unregulated private supportive recovery housing facilities.

CLASSIFICATION OF CARE FACILITIES

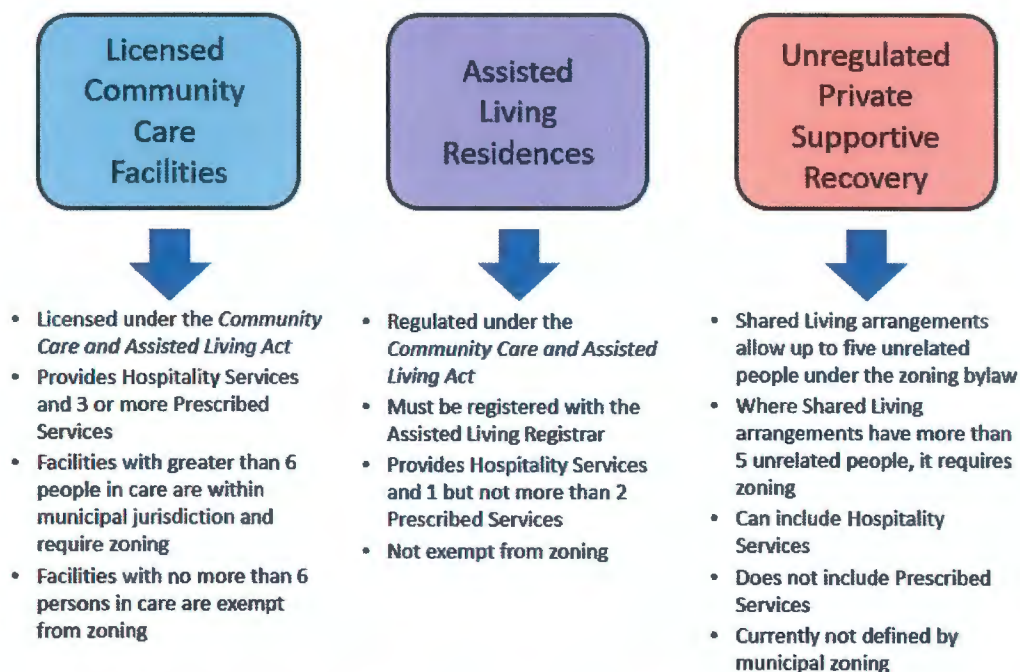


Figure 1: Provincially and Non-Provincially Regulated Facilities in Maple ridge

For further information, it is noted that the City may not regulate or prohibit by zoning or regulate by business regulation a provincially operated facility on provincially owned land or on privately owned land (i.e. leased to the Province for a Provincial purpose and undertaking).

A privately operated use on Provincial land (i.e. a private commercial company leasing Crown land) may be regulated by the City by zoning and by business regulations, depending on the type of care facility and the number of person in residence or care.

As mentioned earlier, the unregulated private supportive recovery facilities are not subject to Provincial regulations, but are subject to City zoning and regulatory requirements.

d) Maple Ridge Official Community Plan

The City of Maple Ridge Official Community Plan Policy 3 – 32 supports the provision of affordable, rental and special needs housing throughout the City.

e) Maple Ridge Zoning Bylaw

The Zoning Bylaw contains the following definitions for Dwelling Unit, Family, Boarding Use and Private Hospital.

- **Dwelling unit:** means one or more rooms used for the residential accommodation of only one family when such room or rooms contain or provide for the installation of only one set of cooking facilities.
- **Family:** Mean the persons sharing a household, consisting of: (a) two or more persons related by blood, marriage, adoption, or foster parenthood; or (b) three or fewer unrelated persons.
- **Boarding use:** means a use accessory to a residential use for the accommodation of persons, other than members of the family that is contained entirely within the dwelling unit, limited to not more than 2 sleeping units and limited to not more than 2 boarders.
- **Private Hospital use** means a use providing for the care of the sick, injured, or aged other than in a public hospital; includes private hospitals, convalescent homes, nursing homes, hospices, palliative care units, community care facilities, multi-level care facilities, congregate care facilities and adult daycare centres.

Relevant to this discussion, it is noted that our Zoning Bylaw does not currently define Supportive Recovery Home, Assisted Living Residences, or Community Care Facilities. This means that, using the definitions that are currently in place such as the definitions of family and boarding use, a dwelling unit in Maple Ridge may contain five or fewer unrelated people in a shared residential living arrangement long as it does not include the provision of prescribed services.

This regulatory vagueness about what constitutes a residential living arrangement is not unique to Maple Ridge, as the City's definition of family is generally consistent with planning practices across the country. Much of this is because the qualifying language that speaks to the number of up to five "unrelated persons" living together is reflective of a Supreme Court of Canada decision.

f) Maple Ridge Business Licensing and Regulation Bylaw:

The City of Maple Ridge requires a business licence for all operators that charge rents to people. The Rental Units – Room Rental/Care Home category of the Business Licensing and Regulation Bylaw captures uses such as Community Care, Assisted Living, Supportive Recovery Homes, and Transitional Housing.

The Bylaw states that approval by either the Fraser Health Authority or the Assisted Living Registrar, depending on whether the facility is either providing Community Care or Assisted Living, should be in place prior to making application. Once the Municipality is satisfied that the facility has met the approvals of the Planning, Permit, Bylaws & Fire Departments, a municipal approval letter is sent by Licensing to Fraser Health or the Assisted Living Registrar.

The Business Licence is not issued until notification is received from Fraser Health or the Assisted Living Registrar. Non-profit organizations are also required to hold a valid business licence, although they are exempt from paying a fee.

g) Draft Zoning Bylaw and Housing Agreement Template

From earlier Council direction, in 2017 staff prepared a Zoning Bylaw amendment No. 7339-2017 to permit supportive recovery homes with up to 10 residents in the City's single family zones, subject to compliance with the proposed bylaw requirements, business licensing, and the registration of a Housing Agreement. The bylaw also includes amendments to require certain Institutional uses to enter into a Housing Agreement.

The draft Bylaw outlined 2 categories of supportive housing uses:

1. Supportive recovery homes with 10 or less residents would be permitted in Residential zones; subject to the following conditions:
 - a. Shall have a maximum of 10 residents including staff;
 - b. Shall be contained within the same building as the One Family Residential Use;
 - c. Be not less than 250m from other Supportive Recovery Homes, Transitional Housing, Assisted Living Residences, or Community Care Facility, a school both public or private, child care centres and a family daycare;
 - d. Shall not be permitted where there is a Secondary Suite, Detached Garden Suite, Boarding Use or Temporary Residential Use on the lot;
 - e. Will require proof of notification or approval from the applicable Health Authority or to the appropriate authority if located on a lot which is not serviced by municipal sewer;
 - f. Shall not be strata-titled;
 - g. Shall not be permitted on property situated within a floodplain;
 - h. Shall not be permitted unless permitted by the provisions of section 601 A. of the Zoning Bylaw; and
 - i. Shall be permitted on the condition that the operator enters into a Housing Agreement with the Corporation of the City of Maple Ridge under Section 483 of the Local Government Act, which must be executed and delivered to the Municipality including all appendices prior to the issuance of any building permit for the land in relation to which the use is permitted.
 - j. The Housing Agreement shall include, but not be limited to:
 - i. An exit plan for residents who are evicted or who complete the program must be filed with the City. The exit plan shall include a provision for those clients that are evicted, that any funding provided to the Supportive Recovery Home will be held in trust, and the organization will provide a prorated amount at the time of departure to the person evicted or money returned to the individual or organization;
 - ii. Adhere to municipal noise bylaw standards;
 - iii. Staffed 24 hours per day;
 - iv. A current roster of all operators, residents and staff must be maintained on site and available to the City and/or the City of Maple Ridge RCMP detachment;
 - v. No alcohol or illicit drugs are permitted on the premises in those facilities that are providing drug and alcohol treatment and counselling;
 - vi. Property owner approval of the facility;
 - vii. Neighbourhood consultation meetings are required for each new home;
 - viii. Notification of surrounding neighbours required (100m radius mail out within the Urban Area Boundary (UAB), 500m radius mail out outside of the UAB, at the operator's expense) with all information gathered to be provided to the City of Maple Ridge;

- ix. Property maintenance and parking standards must be met;
 - x. Annual fire inspections shall be performed;
 - xi. Annual building inspections shall be performed; and
 - xii. Shall have no exterior signage.
2. Supportive recovery homes with 11 or more residents would be permitted in Institutional zones.
- a. Shall have more than ten residents including staff;
 - b. Shall be permitted on the condition that the operator enters into a Housing Agreement with the Corporation of the City of Maple Ridge under Section 483 of the Local Government Act, which must be executed and delivered to the Municipality including all appendices prior to the issuance of any building permit for the land in relation to which the use is permitted;
 - c. require proof of notification or approval from the applicable Health Authority or to the appropriate authority if located on a lot which is not serviced by municipal sewer;
 - d. Shall not be strata-titled; and
 - e. Shall not be permitted on property situated within a floodplain.

The draft bylaw also proposed a number of new definitions including a new definition of Family as well as new language to define Assisted Living Residences, Community Care Facilities, and Supportive Recovery Homes.

In summary, the draft bylaw amendments and housing agreement template provided a regulatory framework that limited the size of some facilities, including the unregulated private supportive recovery homes, to a total of 10 residents (inclusive of clients and employees) in the City's residential zones. Licensed Community Care Facilities with no more than six people in care were exempted from zoning, given the Provincial statutes. Registered Assisted Living Residences and licensed Community Care Facilities containing greater than ten people in care were proposed to be located in an institutional zone. Together this approach was intended to provide a regulatory means to meet the need for care facilities in the City of Maple Ridge while also establishing accountability measures for their ongoing operation.

For a full summary of Maple Ridge Zoning Bylaw Amendment No. 7339-2017 and the provisions inherent to the draft Housing Agreement template, see the June 6, 2017 Council report, titled "First and Second Reading, Maple Ridge Zone Amending Bylaw No. 7339—2017: To regulate Supportive Recovery Homes and Other Similar Care Facilities", included as Appendix A.

h) Key Messages From Stakeholder Consultation:

After Zoning Bylaw Amendment No. 7339-2017 was given First and Second Reading at the June 6, 2017 Council Meeting, staff began an initial outreach to a targeted group of operators and stakeholders, seeking feedback to both the draft Zoning Bylaw Amendment and the Housing Agreement.

Following the June 20, 2017 Public Hearing and the comments submitted by the 22 speakers, on June 27, 2017, third reading was subsequently deferred. As a result, staff expanded their outreach efforts and met with a number of local and regional care facility operators.

From the consultation undertaken, the following key messages were heard, many of which are reflective of the comments raised at the Public Hearing.

i. *Zoning Bylaw Amendment No. 2017-7339*

a. A Maximum Number of Permitted Residents Is Too Restrictive:

An all-inclusive limit (10 persons was the proposed limit) was identified as too restrictive by a number of organizations. Depending on the facility, the ratio of residents to staff may vary. Combining both residents and staff under the ten person limit was seen as therefore potentially challenging to some operations that require more staff. Specifically, it was noted that funding for such care facilities is tied to the number of residents in care. If the number of people in the building is limited to ten inclusive of any staff, it was suggested that there may not be enough funding to support the running of the facility.

b. Minimum Separation Distance Requirement Not Reflective of Existing Conditions:

Many of the organizations that were interviewed identified that there exist related facilities within the same neighbourhood. The intent behind this approach stems from the opportunity to share resources and communicate with other staff and residents that are close by. As well, often the nearby facilities provide different types of services in order to offer a fuller continuum of care and facilitate the transition of residents from one facility to another. In terms of proximity to schools and daycares, it was stated in meetings and at the June 20, 2017 Public Hearing that in some cases, residents at supportive recovery homes volunteer in the community as well as work around their respective houses and yards, thus providing a presence and “eyes on the street” in their respective neighbourhoods.

ii. *Draft Housing Agreement Template*

a. Redundant for Licensed and Registered Facilities

Operators of licensed Community Care Facilities and registered Assisted Living Residences identified that the requirement for a Housing Agreement was a redundant and therefore onerous imposition by the City. This sentiment reflected the many requirements and levels of approval already undertaken by these facilities to gain either their registration or licensing.

b. Duplicating Exit Plan Requirements:

Under the proposed Housing Agreement, there was a requirement that any unspent portion of a resident's fees be held for a resident upon exiting a facility. It was identified that all registered Assisted Living Residences and licensed Community Care Facilities must already require an exit plan for their residents as part of their registration or licensing.

c. 24 Hour Staffing Unachievable:

With respect to Supportive Recovery Homes and Transitional Housing, 24 hour a day staffing was identified as cost-prohibitive. In some Supportive Recovery Homes, there is daytime staff, and at night there are peer-to-peer supervision programs that are supported by off-duty staff that are available by phone. In some Transitional Houses, residents do not require additional supervision and are supported by off-duty staff that are available by phone.

d. Privacy Issues with Sharing Resident Roster with RCMP:

All facilities that were interviewed have a current roster of residents. However, some organizations expressed concern regarding privacy and safety issues for residents in sharing that information with the RCMP. It was often stated that many of the registered and licensed facilities strive to maintain a good relationship with the RCMP, and would prefer to rely on those connections rather than a mandated requirement.

e. No drugs or alcohol permitted on the premises:

There are facilities that are not abstinence-based and espouse a harm reduction approach. In a case of renewed substance use by a client in a facility that has a harm reduction approach, counselling and other supports are used to assist the client, but they are not asked to exit the care facility. In such facilities, operators identified the challenge of operating a harm-reduced approach with the proposed restriction.

i) **Desired Outcome**

From the above overview, and as a recap, staff reiterate that:

- A Community Care facility must be licensed under the Community Care and Assisted Living Act and that while a Community Care facility that contains more than 10 people is subject to municipal regulations, those facilities that contain 6 or less persons in care are exempt from zoning.
- An Assisted Living Residence must be registered with the Assisted Living Registrar and must comply with municipal zoning, regardless of size. Operation of a facility that meets the criteria of an Assisted Living Residence but is not registered with the Assisted Living Registrar is illegal.
- The remaining private housing facilities that are not licensed and are not registered exist outside of the Province's Community Care and Assisted Living Act, leaving such facilities to be regulated through those regulatory tools within a municipality's jurisdiction.

It is these unregulated private supportive recovery homes that were the focus on the last round of Council discussions and draft zoning and housing agreement efforts, towards establishing a clear set of regulations and expectations for such facilities.

As Council now is revisiting the matter of regulating supportive recovery housing in the City, staff are seeking insight into the possible regulatory options before Council. To help inform the discussion, staff have identified below the key types of facilities through which supportive recovery housing can be delivered, whether it be a Community Care Facility, an Assisted Living Residence, or an unregulated private supportive housing facility. From the below list of options, Council is asked to identify the regulatory direction(s) it prefers. Upon this informed basis, staff can then prepare a follow-up options report that would outline for Council's further consideration draft zoning and/or any other additional provisions to guide the operation of such facilities.

Table 1: Potential Supportive Recovery Housing Regulatory Options

PLEASE INDICATE Y OR N
1. Should Licensed Community Care Facilities ¹ be permitted outright (meaning that no rezoning and no Housing Agreement would be required):
a. In the City's single detached residential (RS) Zones?
i. And if yes to the above, what should be maximum number of residents?
b. In the P2 Institutional Zone?
2. Should Licensed Community Care Facilities, be permitted as a condition of rezoning :
a. In the City's single detached residential (RS) Zones?
i. And if yes to the above, what should be maximum number of residents?
b. In the P2 Institutional Zone?

3. If Licensed Community Care Facilities should be subject to rezoning, **should a set of operating terms and conditions be required²?**

REGISTERED ASSISTED LIVING RESIDENCES (Please indicate Y or N)

1. Should Registered Assisted Living Residences be **permitted outright** (meaning that no rezoning and no Housing Agreement would be required):
- a. In the City's single detached residential (RS) Zones?
 - i. And if yes to the above, what should be maximum number of residents?
 - b. In the P2 Institutional Zone?
2. Should Registered Assisted Living Residences, be permitted **as a condition of rezoning**:
- a. In the City's single detached residential (RS) Zones?
 - i. And if yes to the above, what should be maximum number of residents?
 - b. In the P2 Institutional Zone?
3. If Registered Assisted Living Residences should be subject to rezoning, **should a set of operating terms and conditions be required²?**

UNREGULATED PRIVATE SUPPORTIVE RECOVERY HOMES (Please indicate Y or N)

1. Should Unregulated Private Supportive Recovery Homes be **permitted outright** (meaning that no rezoning and no Housing Agreement would be required):
- a. In the City's single detached residential (RS) Zones?
 - i. And if yes to the above, what should be maximum number of residents?
 - b. In the P2 Institutional Zone?
2. Should Unregulated Private Supportive Recovery Homes, be permitted **as a condition of rezoning**:
- a. In the City's single detached residential (RS) Zones?
 - i. And if yes to the above, what should be maximum number of residents?
 - b. In the P2 Institutional Zone?
3. If Unregulated Private Supportive Recovery Homes should be subject to rezoning, **should a set of operating terms and conditions be required²?**

NOTES:

- 1) Under the Community Care and Assisted Living Act, Community Care Facilities that are used as a residence for no more than 10 persons, not more than 6 of whom are persons in care, are exempt from municipal zoning.
- 2) The Housing Agreement tool, under Section 483 of the Local Government Act, provides an effective means of securing terms and conditions that would otherwise be outside of our typical zoning requirements. Such terms and conditions may relate to the form of tenure of the housing units; the basis upon which the housing units are made available; the persons for whom the units are intended; the administration and management of the housing units; and the rent or lease rates or the sale or share prices that may be charged in relation to the housing units.

j) Strategic Alignment:

As part of the City of Maple Ridge Strategic Plan 2019 – 2022, under its Community Safety theme, the regulation of supportive recovery housing in Maple Ridge is a key priority of Council.

CONCLUSION:

Through this report, staff provide for Council an overview of the discussions and regulatory efforts undertaken to-date related to the regulation of supportive recovery homes in the City. This includes a description of the Provincially regulated Community Care Facilities and Assisted Living Residences and the differentiating characteristics of unregulated private supportive recovery housing facilities. With this background, the intent of this report is to inform Council's subsequent identification of its preferred regulatory directions for supportive recovery housing in Maple Ridge. Based on Council's direction(s), staff will prepare a subsequent options report that will outline possible zoning amendments, and potential operating terms to be secured through a Housing Agreement; all of which will be brought forward at an upcoming Council Workshop for continued discussion.

"Original signed by Brent Elliott"

Prepared by: Brent Elliott, MCIP, RPP,
Manager of Community Planning

"Original signed by Christine Carter"

Approved by: Christine Carter, MPL, MCIP, RPP
Director of Planning

"Original signed by Frank Quinn"

Approved by: Frank Quinn, MBA, P. Eng.
General Manager, Public Works
and Development Services

"Original signed by Frank Quinn" for

Concurrence: Kelly Swift, MBA
Acting Chief Administrative Officer

Attachments:

- (A) June 6, 2017 Council report, titled "First and Second Reading, Maple Ridge Zone Amending Bylaw No. 7339–2017: To Regulate Supportive Recovery Homes and Other Similar Care Facilities".



City of Maple Ridge

TO: Her Worship Mayor Nicole Read
and Members of Council

FROM: Chief Administrative Officer

SUBJECT: **First and Second Reading**
Maple Ridge Zone Amending Bylaw No. 7339–2017
To regulate Supportive Recovery Homes and other similar care facilities

MEETING DATE: June 6, 2017

MEETING: Council Workshop

EXECUTIVE SUMMARY:

The following report presents Zoning Bylaw amendments to regulate care facilities in the City, including unregulated, unlicensed or unregistered Supportive Recovery Homes and other similar facilities. These bylaw amendments reflect what can be regulated within municipal jurisdiction, recognizing that there are some care facilities that are exempt from zoning and/or are regulated by other levels of government. The draft Zoning Bylaw amendment requires that an operator enter into a Housing Agreement with the City. The Housing agreement articulates the City's expectations regarding the operation of such centres, and will specify requirements such as the number of residents, exit strategies and maintenance. A template Housing Agreement is attached as information, but doesn't form part of the amending Bylaw.

RECOMMENDATION:

That Zone Amending Bylaw No. 7339–2017 be given First and Second Reading and be forwarded to Public Hearing.

BACKGROUND:

At a regularly scheduled Council Workshop on April 24, 2017, Council passed the following resolution:

R/2017-135: that Staff be directed to prepare bylaw amendments and a Housing Agreement template to regulate Supportive Recovery Homes and other similar facilities as identified in Option 1: Creation of Regulations for uses with a maximum of 10 residents in the Policy and Regulations section of the report, entitled "Options for Regulating Supportive Recovery Homes, Transitional Housing, Assisted Living Residences and Community Care Facilities", dated April 24, 2017.

DISCUSSION:

Based on Council direction, staff has prepared a Zoning Bylaw amendment to allow up to 10 residents in Single Family zones, subject to compliance with bylaw requirements and the registration of a Housing Agreement and Business Licence. If supported by Council, supportive housing-type uses would fall into two categories: those with 10 or less residents would be permitted in Residential zones, and those with 11 or more residents would be permitted in Institutional zones. The bylaw also includes amendments to require certain Institutional uses to enter into a Housing Agreement. It is noted that licensed Community Care Facilities with up to 6 residents are exempt from zoning and that facilities that are provincially owned and operated are also exempt from these regulations.

Staff has prepared the Zoning Bylaw amendments to regulate care facilities in the City, as well as a template for a Housing Agreement to specifically regulate unregulated, unlicensed or unregistered Supportive Recovery Homes and other similar facilities. These items can be summarized as follows:

1. Amendment to the Definition section of the Zoning Bylaw (Part 2 Interpretation) including:
 - Amending the definition of Family to specify that the definition does not apply to Assisted Living Residences, Community Care Facilities, Supportive Recovery Homes, and Transitional Housing as follows:
 - FAMILY: means the persons sharing a household, consisting of: (a) two or more persons related by blood, marriage, adoption, or foster parenthood; or (b) three or fewer unrelated persons **and does not include Assisted Living Residences, Community Care Facilities, Supportive Recovery Homes, and Transitional Housing.**
 - Amending the definition of the Elderly Citizens Residential (RE) zone to include Assisted Living Residence as follows:
 - ELDERLY CITIZENS RESIDENTIAL: means a use specifically providing for the residential accommodation of elderly persons **and includes Assisted Living Residences.**
 - New definitions for Assisted Living Residences, Community Care Facilities, Supportive Recovery Homes, and Transitional Housing which are as follows:
 - ASSISTED LIVING RESIDENCE: means a facility that provides up to 2 prescribed services as defined by the Community Care and Assisted Living Act, to 3 or more persons who are not related by blood or marriage who can live independently but require a supportive environment due to physical and functional health challenges and may also include hospitality services and personal care services. Assisted Living Residences must be registered with the provincial government's Assisted Living Registrar and are subject to the Community Care and Assisted Living Act.
 - COMMUNITY CARE FACILITY: means a facility that provides 3 or more prescribed services as defined by the Community Care and Assisted Living Act, to 3 or more persons who are not related by blood or marriage for the purpose of providing care and may also include hospitality services and personal care services. Community Care Facilities must be licensed by the applicable regional health authority and are subject to the Community Care and Assisted Living Act. It is noted that Section 20 of the *Community care and Assisted Living Act* exempts those facilities that are licensed as a residence that have no more than six persons in care.
 - SUPPORTIVE RECOVERY HOME: means a facility that provides a supportive and structured environment including housekeeping services and up to 2 prescribed services for individuals recovering from drug and alcohol addiction.
 - TRANSITIONAL HOUSING: means a facility that provides housing for persons in transition from short-term emergency housing to permanent housing.
 - Revised definition for Private Hospital to clarify that include Assisted Living Residences, Supportive Recovery Homes and Transitional Housing are permitted uses as follows:
 - PRIVATE HOSPITAL: use means a use providing for the care of the sick, injured, or aged other than in a public hospital; includes private hospitals, convalescent homes, nursing homes, hospices, palliative care units, community care facilities, **assisted living residences, supportive recovery homes, and transitional housing** multi-level care facilities, congregate care facilities and adult daycare centres,.
2. Adding a category to the Residential Matrix Permitted Uses in Part 6, Section 601 allowing Supportive Recovery Homes, Transitional Housing, Assisted Living Residences, and Community Care Facilities* with 10 residents, on all lots 557m² (RS-1b) or greater, subject to satisfying prescribed criteria;

* Licenced Community Care Facilities may have up to 6 residents and are exempt from zoning

3. Adding to *Part 4 General Regulations, Section 402* regulations for where Supportive Recovery Homes, Transitional Housing, Assisted Living Residences, and Community Care Facilities* with 10 residents are permitted in Residential zones, including criteria of a Housing Agreement, and satisfying the following requirements;
 - Shall have a maximum of 10 residents including staff;
 - Shall be contained within the same building as the One Family Residential Use;
 - Be not less than 250m from other Supportive Recovery Homes, Transitional Housing, Assisted Living Residences, or Community Care Facility, a school both public or private, child care centres and a family daycare;
 - Shall not be permitted where there is a Secondary Suite, Detached Garden Suite, Boarding Use or Temporary Residential Use on the lot;
 - Will require proof of notification or approval from the applicable Health Authority or to the appropriate authority if located on a lot which is not serviced by municipal sewer;
 - Shall not be strata-titled;
 - Shall not be permitted on property situated within a floodplain;
 - Shall not be permitted unless permitted by the provisions of section 601 A. of the Zoning Bylaw; and
 - Shall be permitted on the condition that the operator enters into a Housing Agreement with the Corporation of the City of Maple Ridge under Section 483 of the Local Government Act, which must be executed and delivered to the Municipality including all appendices prior to the issuance of any building permit for the land in relation to which the use is permitted.
4. The Housing Agreement shall include, but not be limited to:
 - the maximum number of residents that shall be permitted to reside within the Housing Facility at any one time shall be ten (10) people, including staff if the facility is located in a Residential zone. If the facility is located in an Institutional zone the maximum number of residents that shall be permitted shall be greater than ten (10) people, including staff.
 - An exit plan for residents who are evicted or who complete the program must be filed with the City. The exit plan shall include a provision for those clients that are evicted, that any funding provided to the Supportive Recovery Home will be held in trust, and the organization will provide a prorated amount at the time of departure to the person evicted or money returned to the individual or organization.
 - Adhere to municipal noise bylaw standards;
 - Staffed 24 hours per day;
 - A current roster of all Operators, residents and staff must be maintained on site and available to the City and/or the City of Maple Ridge RCMP detachment;
 - No alcohol or illicit drugs are permitted on the premises in those facilities that are providing drug and alcohol treatment and counselling;
 - Property owner approval of the facility;
 - Neighbourhood Consultation Meetings;
 - Neighbourhood meetings are required for each new home;
 - Notification of neighbours (100m radius mail out within the Urban Area Boundary (UAB), 500m radius mail out outside of the UAB at the Operator's expense)
 - Information is to be provided to the City of Maple Ridge
 - Property and Housing Standards;
 - Property maintenance and parking standards must be met;
 - Annual fire inspections shall be performed;
 - Annual building inspections shall be performed;
 - Shall have no exterior signage; and

The Bylaw also introduces amendments to regulate the care of greater than 10 residents in care in Institutional Zones including:

5. Adding to Part 4 General Regulations, Section 402 Regulations for Permitted Uses of Land, Buildings & Structures, where Assisted Living Residences are permitted in Institutional zones and satisfy the following requirements:
 - Shall have more than ten residents including staff;
 - Shall be permitted on the condition that the operator enters into a Housing Agreement with the Corporation of the City of Maple Ridge under Section 483 of the Local Government Act, which must be executed and delivered to the Municipality including all appendices prior to the issuance of any building permit for the land in relation to which the use is permitted
 - require proof of notification or approval from the applicable Health Authority or to the appropriate authority if located on a lot which is not serviced by municipal sewer;
 - Shall not be strata-titled; and
 - Shall not be permitted on property situated within a floodplain
6. Where permitted in either a Residential or Institutional zone, a Community Care Facility will be subject to the following provisions:
 - A facility containing six or less residents in care, excluding staff, is exempt from zoning;
 - A facility containing 7 but a maximum of 10 residents including staff is permitted in Residential zones;
 - A facility containing more than 10 residents is permitted in Institutional zones.
 - Shall be permitted on the condition that the operator enters into a Housing Agreement with the Corporation of the City of Maple Ridge under Section 483 of the Local Government Act, which must be executed and delivered to the Municipality including all appendices prior to the issuance of any building permit for the land in relation to which the use is permitted
 - Be licenced as per the Community Care and Assisted Living Act
 - Shall not be strata-titled; and
 - Shall not be permitted on property situated within a floodplain.

The draft bylaw amendments and housing agreement template provide a regulatory framework that limits the size of some facilities including Supportive Recovery Homes, Transitional Housing and Assisted Living Residences containing a total of 10 residents, including clients and employees in residential zones. Licensed Community Care Facilities with no more than six people in care are exempt from zoning. Assisted Living Residences and licensed Community Care facilities containing greater than ten people in care must be located in an institutional zone[†]. Together this provides an ability to meet the need for care facilities in the City of Maple Ridge.

For clarity, they will also be subject to the City's Bylaw enforcement if operations are in violation of the City's various bylaws and the proposed Housing Agreement terms and conditions and can be closed if warranted.

It is also noted that the Housing Agreement does not form part of the Zoning Bylaw Amending Bylaw and can be changed in the future.

This approach is consistent with neighbouring municipalities to regulate Supportive Recovery Homes, Transitional Housing and Assisted Living Residences. The proposed amending Bylaws and Housing Agreement template have also been reviewed by the City's legal counsel.

A draft Zoning Bylaw amendment Bylaw is attached as Appendix A. A template for the Housing Agreement containing draft terms and conditions language has been provided and is attached as Appendix B.

[†] Assisted Living Uses are also permitted in Elderly Citizens Residential (RE) zones, and some Comprehensive Development (CD) zones.

INTERDEPARTMENTAL CONSIDERATIONS:

Should Council approve the proposed Zoning Bylaw amendments and the draft Housing Agreement, the Licences, Permits and Bylaws Department will develop an amending bylaw for the Business Licencing and Regulating Bylaw to regulate Supportive Recovery Homes and other similar care facilities to align with the proposed Zoning Bylaw amendments.

NEXT STEPS:

With regards to those existing, unregulated, unlicensed, unregistered Supportive Recovery Homes, Transitional Housing and Assisted Living Residences, the use is considered a legal non-conforming use and the use may continue. However, the City can require existing facilities to enter into a Housing Agreement as confirmed by the City's legal counsel. It is noted that for an existing facility, the siting requirements may be non-conforming, but the operating requirements in the Housing Agreement would apply. New care facilities that are applying for a business licence would be required to enter into a Housing Agreement and meet all of the Zoning Bylaw criteria to be in compliance.

CONCLUSION:

The draft bylaw provides a framework for regulating care facilities with up to 10 residents in residential areas, including the requirement to enter into a Housing Agreement and obtain a business licence. It is believed that the Bylaw will improve the operation of facilities, clarify municipal expectations, and provide City Bylaws' staff with a mechanism to enforce should facilities not perform at a standard acceptable level of operation.

“Original signed by Siobhan Murphy”

**Prepared by: Siobhan Murphy, MCIP, RPP
Planner II**

“Original signed by Christine Carter”

**Approved by: Christine Carter, MPL, MCIP, RPP
Director of Planning**

“Original signed by Frank Quinn”

**Approved by: Frank Quinn, MBA, P. Eng
GM: Public Works & Development Services**

“Original signed by E.C. Swabey”

**Concurrence: E.C. Swabey
Chief Administrative Officer**

- Appendix A – Zoning Bylaw Amendment for Supportive Recovery Homes, Transitional Housing, Assisted Living Residences and Community Care Facilities
- Appendix B – Housing Agreement Template

**CITY OF MAPLE RIDGE
BYLAW NO. 7339-2017**

A Bylaw to amend Zoning Bylaw No. 3510 - 1985 as amended

WHEREAS, it is deemed expedient to amend Maple Ridge Zoning Bylaw No. 3510 - 1985 as amended;

NOW THEREFORE, the Municipal Council of the City of Maple Ridge enacts as follows:

1. This Bylaw may be cited as "Maple Ridge Zone Amending Bylaw No. 7339-2017."
2. That Part 2 INTERPRETATION is amended by inserting the following between "ASSEMBLY USE" and "AUTOMOBILE ACCESSORY":

Assisted Living Residence: means a facility that provides up to 2 prescribed services as defined by the *Community Care and Assisted Living Act*, to 3 or more persons who are not related by blood or marriage who can live independently but require a supportive environment due to physical and functional health challenges and may also include hospitality services and personal care services. Assisted Living Residences must be registered with the provincial government's Assisted Living Registrar and are subject to the *Community Care and Assisted Living Act*.

3. That Part 2 INTERPRETATION is amended by inserting the following between "COMMON ACTIVITY AREA" and "COMMUNITY GAMING FACILITY":

Community Care Facility: means a facility that provides 3 or more prescribed services as defined by the *Community Care and Assisted Living Act*, to 3 or more persons who are not related by blood or marriage for the purpose of providing care and may also include hospitality services and personal care services. Community Care Facilities must be licensed by the applicable regional health authority and are subject to the *Community Care and Assisted Living Act*. It is noted that Section 20 of the *Community Care and Assisted Living Act* exempts from zoning those facilities that are licensed as a residence that have no more than six persons in care.

4. That Part 2 INTERPRETATION is amended by inserting the following between "STRUCTURE" and "TEMPORARY RESIDENTIAL":

Supportive Recovery Home: means a facility that provides a supportive and structured environment including housekeeping services and up to 2 prescribed services for individuals recovering from drug and alcohol addiction.

5. That Part 2 INTERPRETATION is amended by inserting the following between "TOWNHOUSE(S)" and "TWO-FAMILY RESIDENTIAL":

Transitional Housing: means a facility that provides housing for persons in transition from short-term emergency housing to permanent housing.

6. THAT PART 2 INTERPRETATION the definition of "ELDERLY CARE RESIDENTIAL:" is amended by adding the words identified in bold text:

ELDERLY CITIZENS RESIDENTIAL: means a use specifically providing for the residential accommodation of elderly persons **and includes Assisted Living Residences.**

7. THAT PART 2 INTERPRETATION the definition of “FAMILY” is amended by adding the words identified in bold text:

Family: means the persons sharing a household, consisting of: (a) two or more persons related by blood, marriage, adoption, or foster parenthood; or (b) three or fewer unrelated persons **and does not include Assisted Living Residences, Community Care Facilities, Supportive Recovery Homes, and Transitional Housing.**

8. THAT PART 2 INTERPRETATION the definition of “PRIVATE HOSPITAL” is amended by adding the words identified in bold text:

PRIVATE HOSPITAL - means a use providing for the care of the sick, injured, or aged other than in a public hospital; includes private hospitals, convalescent homes, nursing homes, hospices, palliative care units, community care facilities, **assisted living residences, supportive recovery homes, transitional housing**, multi-level care facilities, congregate care facilities and adult daycare centres.

9. That PART 4 GENERAL REGULATIONS, SECTION 402 REGULATIONS FOR PERMITTED USES OF LAND, BUILDINGS & STRUCTURES is amended by addition the following section:

(16) Assisted Living Residences, Community Care Facilities, Supportive Recovery Homes and Transitional Housing

- i. Where permitted in Residential zones, a Supportive Recovery Home, Transitional Housing, Assisted Living Residence or Community Care Facility with 10 or fewer residents in care is subject to the following provisions:
 - a) Shall have a maximum of 10 residents including staff;
 - b) Shall be contained within the same building as the One Family Residential Use;
 - c) Be not less than 250m from other Supportive Recovery Homes, Transitional Housing, Assisted Living Residences, or Community Care Facilities, a school both public or private, child care centres and a family day care;
 - d) Shall not be permitted where there is a Secondary Suite, Detached Garden Suite, Boarding Use or Temporary Residential Use on the lot;
 - e) Will require proof of notification or approval from the applicable Health Authority or to the appropriate authority if located on a lot which is not serviced by municipal sewer;
 - f) Shall not be strata-titled;
 - g) Shall not be permitted on property situated within a floodplain;
 - h) Shall not be permitted unless permitted by the provisions of section 601 A. of the Zoning Bylaw; and
 - i) Shall be permitted on the condition that the operator enters into a Housing Agreement with the Corporation of the City of Maple Ridge under Section 483 of the *Local Government Act*, which must be executed and delivered to the Municipality including all appendices prior to the issuance of any building permit for the land in relation to which the use is permitted.
- ii. Where permitted, an Assisted Living Residence with greater than 10 residents in care is subject to the following provisions:
 - a) Shall be permitted on the condition that the operator enters into a Housing Agreement with the Corporation of the City of Maple Ridge under Section 483 of the *Local Government Act*, which must be executed and delivered to the Municipality including all appendices prior to the issuance of any building permit for the land in relation to which the use is permitted.

HOUSING AGREEMENT No. <>

THIS AGREEMENT is dated for reference the ____ day of _____, 20<>;

BETWEEN:

CITY OF MAPLE RIDGE
11995 Haney Place
Maple Ridge, British Columbia
V2X 2A9

(the "City")

OF THE FIRST PART

AND:

<>(Bold and use Uppercase)
<>
<>
<>

(the "Operator")

OF THE SECOND PART

AND

<>(Bold and use Uppercase)
<>
<>
<>

(the "Owner")

OF THE THIRD PART

WHEREAS:

- A. The Operator proposes to provide a <Supportive Recovery Home><Transitional Housing><Assisted Living Residence><Community Care Facility>, as defined herein, within the Housing Facility, as defined herein, in accordance with the requirements of this Agreement and the City's Zoning Bylaw.
- B. The Operator, the Owner and the City each agree that the Operator and the personal behaviour of residents of the Housing Facility must be regulated and supervised so as to ensure the protection, convenience and safety of other residents of the Housing Facility and of residents and users of all neighbouring properties, streets and public places.

- C. The Operator, the Owner and the City have reached agreement as to certain reasonable and necessary measures to be undertaken by the Operator in the management and operation of the Housing Facility and now wish to enter into this Agreement in order to ensure compatibility between the use of the Housing Facility and that of the immediately adjoining neighbourhood.
- D. The Owner is the registered owner of those Lands defined herein.
- E. The City adopted Bylaw No. <> pursuant to Section 483 of the Local Government Act authorizing the City to enter into this Housing Agreement with the Owner on the terms and conditions contained herein.
- F. Covenants and agreements herein made by the Operator in favour of the City and in favour of the Owner constitute a separate and binding agreement and are not part of the Housing Agreement between the Owner and the City.

THIS HOUSING AGREEMENT is evidence that in consideration of the mutual promises contained in it, and in consideration of the payment of TEN (\$10.00) DOLLARS by each of the Owner and the City from one to the other (the receipt and sufficiency of which is acknowledged by each party), both of whom covenant and agree with each other as follows, both as a Housing Agreement under Section 483 of the *Local Government Act* and as a contract and a deed under seal between the parties; and the covenants and agreements of the Operator made herein to the City and to the Owner are binding as a contract between them.

1. Interpretation

1.1 In this Agreement the following definitions apply:

“Agreement” means this Housing Agreement and all covenants and agreements of the Operator as specified in the Operator’s Agreement with the Owner.

“Assisted Living Residence” means a facility that provides up to 2 prescribed services as defined by the Community Care and Assisted Living Act, to 3 or more persons who are not related by blood or marriage who can live independently but require a supportive environment due to physical and functional health challenges and may also include hospitality services and personal care services. Assisted Living Residences must be registered with the provincial government’s Assisted Living Registrar and are subject to the *Community Care and Assisted Living Act*.

“Drug and Alcohol Treatment and Counselling” means a facility that provides treatment of drug addiction, alcoholism and associated disorders.

“Drugs” means any controlled substance regulated under the *Controlled Substance Act* of Canada and includes, without limitation, the non-prescription use of marijuana or other mind altering drugs.

“Housing Facility” means the Lands and the improvements located on the Lands wherein the Operator intends to carry out, provide and manage a <Supportive Recovery Home><Transitional Housing><Assisted Living Residence>, under the terms and conditions of this Housing Agreement and the City’s Zoning Bylaw.

“Lands” means Parcel Identifier: <>
<>; and known municipality as <>(address).

“Operator’s Agreement” means a written agreement between the Owner and the Operator, in a form satisfactory to the City, regarding the management and operating procedure of a Housing Facility and the contractual promises imposed on the Owner by the City to cause the Operator to comply with any terms required by the City.

“Resident” means a person residing in the Housing Facility.

“Resident Contract” means a written agreement between the Operator and each resident of the Housing Facility, in a form satisfactory to the City and in accordance with Section 4 of this Agreement, establishing the conditions of residency.

“Supportive Recovery Home” means a facility that provides a supportive and structured environment including housekeeping services and up to 2 prescribed services for individuals recovering from drug and alcohol addiction.

“Transitional Housing” means a facility that provides housing for persons in transition from short-term emergency housing to permanent housing.

2. Obligations of the Owner

2.1 The Owner covenants and agrees with the City:

- (a) that the Lands and the Housing Facility shall only be used in compliance with the terms, conditions, requirements and restrictions of this Agreement;
- (b) to take all reasonable measures to require the Operator to operate the Housing Facility in compliance with the terms, conditions, requirements and restrictions of this Agreement;
- (c) that the obligations and responsibilities of the Operator under this Agreement relating to the operation of the Housing Facility also bind the Owner in the operation of the Housing Facility; and
- (d) that the Owner enter into an Operator’s Agreement with the Operator to use, occupy, provide, and operate the Housing Facility, and the Operating Agreement will contain a binding provision to terminate the Operator’s use, occupancy, provision, and operation of the Housing Facility which the Owner must invoke and enforce upon 60 days written notice given by the by the City to the Owner.

3. Requirements of the Housing Facility

3.1 The Operator covenants and agrees with the Owner, and the Owner covenants with the City, to ensure that:

- (a) the maximum number of residents that shall be permitted to reside within the Housing Facility at any one time shall be ten (10) people, including staff if the facility is located in a Residential zone. If the facility is located in an Institutional zone the maximum number of residents that shall be permitted shall be greater than ten (10) people, including staff.

- (b) the composition of the residents of the Housing Facility, by gender and age group, shall be <>male <>female and over <>years of age.
- (c) the design and construction of the Housing Facility shall implement the Crime Prevention through Environmental Design (CPTED) criteria for residential housing to the satisfaction of the City and, for this purpose, the Operator shall, at the design stage and from time to time thereafter, consult with officials of the City regarding the implementation of such criteria. At a minimum, exterior security lighting and fencing of rear yards is required.
- (d) the interior and exterior of the Housing Facility are kept well maintained in a neat, tidy and clean condition and comply with the City's Standard of Maintenance Bylaw.
- (e) the exterior doors and windows to the Housing Facility are closed and locked when occupants of the residential premises are absent from the Housing Facility.
- (f) all personal belongings, furniture, goods, materials, supplies or other things are only stored within properly designated storage areas located within the interior of the Housing Facility. For greater certainty, nothing may be stored or allowed to accumulate around the exterior of the Housing Facility.
- (g) all barbecues and other outdoor activities are carried out in a safe and considerate manner and that the exterior of the Housing Facility is maintained in a neat and tidy condition. Barbecues shall be kept a minimum of 0.6 metres away from any building when in use.
- (h) the Housing Facility is, at all times, in compliance with the health, life safety and fire protection requirements of the British Columbia Building Code and Fire Code and the City's Fire Services Bylaw and complete annual inspections.

4. Conditions of Residency

4.1 The Operator covenants and agrees with the Owner, and the Owner covenants with the City, to ensure that:

- (a) the Operator, prior to permitting occupation of each residential premise within the Housing Facility, ensure that each resident enters into a Resident Contract with the Operator regulating the personal behaviour and responsibilities of the resident while residing at the Housing Facility. The form of Resident Contract must be in a form satisfactory to the City, and, without limiting the generality of the foregoing, shall provide that every resident, as a condition of residency:
 1. must be considerate of other residents, employees and staff of the Housing Facility and of neighbouring premises and residents;
 2. must respect the prescribed visiting hours restrictions and ensure that visitors are only present on the Housing Facility premises between the hours of 9:00 a.m.10:00 p.m., daily;
 3. must ensure that any person invited onto the premises of the Housing Facility by the resident does not engage in any criminal conduct or activity. Proof of

such violation will not require criminal conviction but will be determined by a preponderance of evidence;

4. must agree that information relating to any incident of criminal or unlawful conduct which is investigated by the City Maple Ridge RCMP detachment may be disclosed to officials of the City in accordance with the requirements of the Freedom of Information and Protection of Privacy Act;
5. shall ensure that they and any persons invited onto the premises of the Housing Facility by the resident, do not engage in any conduct or behaviour which unreasonably disturbs or harasses other residents of the Housing Facility or persons in the neighbourhood and must maintain quiet between the hours of 10:00 p.m. and 8:00 a.m., daily.

b) Notwithstanding the above requirements, the following shall apply to those facilities providing drug and alcohol treatment and counselling:

1. may not possess, hold, store, trade, barter, sell, buy or use any alcohol or Drugs anywhere within or on the premises of the Housing Facility;
2. must agree to voluntarily allow random urinalysis or other drug testing to be carried out by or on behalf of the Operator while residing at the Housing Facility;
3. must acknowledge and agree that if he or she is discovered in the possession of, consuming or under the influence of alcohol or Drugs, either on or off the premises of the Housing Facility, they may be discharged from the Housing Facility;
4. will be subject to specified curfew times having regard to the work schedules of the resident;
5. must not carry out or be involved in any criminal activities, either on or off the Housing Facility premises, while in residence;
6. must be in a work training program, employed, enrolled in school, actively searching for work, or engaged in recovery activities in accordance with a documented recovery program; and
7. must agree to allow a criminal record check to be conducted prior to their acceptance as a resident of the Housing Facility and to additional background reference checks, from time to time during residency, at the discretion of the Operator, the City, and Ridge Meadows RCMP detachment, and such checks must not reveal any evidence of violent offences, sexual offences or outstanding warrants.

5. Obligations of the Operator to Both the Owner and the City

- 5.1 The Operator covenants and agrees with the Owner, and the Owner covenants with the City, to ensure that:

- (a) the Operator shall, at all times, be responsible for the proper management and operation of the Housing Facility and shall provide 24 hour, seven (7) day a week supervision of the Housing Facility when occupied by any resident.
- (b) the Operator and all employees of the Operator engaged to work in the Housing Facility must agree to allow a criminal record check to be conducted and to any additional background reference checks including a vulnerable sector check, at the discretion of the City and Ridge Meadows RCMP detachment, as requested from time to time but no less than every two years. Neither the Operator nor any employee of the Housing Facility shall have a criminal record of violent or sexual offences committed.
- (c) the Operator is either a non-profit organization or alternatively is a for-profit entity and, in either case, a business licence is required and has been obtained and will be renewed annually.
- (d) employees of the Operator must staff the premises 24 hours a day.
- (e) the Operator shall hold a Neighbourhood Consultation Meeting prior to applying for a business licence and at least once a year, or as required by the City or the Owner, providing written public notification of neighbours (100m radius mail out within the Urban Area Boundary (UAB), 500m radius mail out outside of the UAB at the Operator's expense) of the Housing Facility and provides to the City accurate minutes of such meeting.
- (f) the Owner and the Operator, when requested and at the discretion of the City, shall attend and participate in all neighbourhood meetings scheduled by the City.
- (g) the Operator shall be responsible for enforcing the conditions of residency contained in each Resident Contract and shall evict and discharge any resident who violates the conditions of residency contained in the Resident Contract, and the Owner must ensure that the Operator does so if the City requires a particular resident or residents to be evicted.
- (h) no Drugs or alcohol shall be permitted in, on or about the premises of a Housing Facility that provides drug and alcohol treatment and counselling, and must ensure that the Operator imposes a "zero tolerance" policy regarding the possession or use of Drugs or alcohol by residents of the Housing Facility.
- (i) the Operator shall not allow the display or permit the display of any exterior sign or any interior sign which is visible from outside of the Housing Facility premises.
- (j) the Operator shall maintain an up-to-date registry, including date of birth, of all residents and employees of the Housing Facility; and shall be available for viewing on demand. In addition, the Operator shall immediately disclose this up-to-date registry to the City and/or City of Maple Ridge Police Department upon request, and provide the Ridge Meadows RCMP detachment and City of Maple Ridge Fire Rescue Service and other emergency services with a current 24 hour, seven (7) day a week emergency contact telephone number.
- (k) neither this Agreement nor any right hereunder to provide the Housing Facility may be assigned or transferred by the Operator to any other person or party, in whole or in

part without 60 days clear written notice to the City and to the Owner, whom may or may not consent to such assignment or transfer. If the Operator gives the required notice and makes such assignment, or transfers, sells or otherwise disposes of the Operator's company, business or non-profit organization to another party, or ceases to operate the Housing Facility, this Agreement shall immediately terminate, unless the Owner and the City both agree to accept the assignee or transferee on the terms herein.

- (l) the Operator shall prepare, obtain approval by the City of Maple Ridge Fire Rescue Services and implement a fire safety plan, that in addition to the requirements of the BC Building Code and the Fire Code, includes, at a minimum, requirements that interconnected smoke alarms be installed in all bedrooms and that emergency lighting be installed and will complete annual inspections to confirm.
- (m) the Operator shall not demand or request a security deposit from any resident of the Housing Facility.
- (n) the Operator shall submit to the City the exit plan, in a form satisfactory to the City and as requested by the City, for any resident discharged from the Housing Facility. A minimum requirement of the exit plan is that the City and the Ridge Meadows RCMP detachment be notified in writing immediately. The exit plan shall include the provision for those clients that are evicted, that the funding provided by the Province to the Operator will be held in trust, and the Operator shall provide a pro-rated amount to the person evicted at the time of departure of such person. If the funding is provided by an individual to an Operator, those funds will be held in trust and a prorated amount will be given back to the individual at the time of the person's eviction. In addition, if eviction is warranted, the Operator will ensure the former client is provided with transportation to a confirmed, alternate safe accommodation.
- (o) the Operator shall provide a minimum of two meals a day to residents.
- (p) the Operator shall submit to the City written approval on a case by case basis from the Provincial Ministry of Children and Family Development prior to any children, under nineteen (19) years of age, visiting overnight at the Housing Facility, and must be in compliance with the Child, Family and Community Service Act.

6. Termination

6.1 The City may, on 30 days prior written notice to the Owner, terminate this Agreement where:

- (a) the Operator fails to comply with, satisfactorily perform or meet any of the terms, conditions or requirements of this Housing Agreement and fails to remedy such non-compliance or unsatisfactory performance when and as requested to do so by the City;
- (b) the Operator, at any time, ceases to provide the Housing Facility, or carries out, permits or causes to be carried out, any detox or other health service requiring Provincial licensing or any short-term emergency housing use or other similar use within the Housing Facility which is not authorized by the City's Zoning Bylaw;

- (c) the goods and chattels of the Operator are at any time seized or taken in execution or attachment or the Operator makes an assignment for the benefit of creditors or becomes bankrupt or insolvent or makes a proposal to creditors; or
- (d) the Owner fails to require the Operator to do or cause to be done anything that the City requires the Owner to compel the Operator to do pursuant to this agreement.

6.2 Any party may terminate this Agreement on 30 days written notice to the other party.

6.3 Upon the expiry or earlier termination of this Agreement, the Housing Facility shall no longer constitute a permitted use under the provisions of the City's Zoning Bylaw and shall thereupon cease.

6.4 Should the Lands cease being used as a Housing Facility, the City, will execute a registrable discharge of this Agreement or file the appropriate notice in the Land Title Office, upon:

- (a) receipt of same from the Owner; and
- (b) confirmation, to the satisfaction of the City that the Lands are no longer being used as a Housing Facility.

7. Indemnity

7.1 The Owner and the Operator, each on their own behalf, releases, indemnifies and saves harmless the City, its elected officials, officers, employees, servants, agents, successors and assigns from and against any and all liabilities, actions, causes of action whether in contract or in tort, claims, damages, expenses, costs, debts, demands, or losses suffered or incurred by the City, at any time, either before or after the expiration or termination of this Agreement by the City, arising or resulting from the performance or non-performance of the terms and conditions of this Agreement by the Operator, its employees, volunteers or agents.

8. Miscellaneous

8.1 Time - Time will be of the essence of this Agreement and will remain of the essence notwithstanding the extension of any of the dates under this Agreement.

8.2 Waiver - No failure or delay on the part of either party in exercising any right, power or privilege under this Agreement shall operate as a waiver thereof, nor will any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof or the exercise of any other right, power or privilege. Except as may be limited in this Agreement, any party may, in its sole discretion, exercise any and all rights, powers, remedies and recourses available to it under this Agreement or any other remedy available to it and such rights, powers, remedies and recourses may be exercised concurrently or individually without the necessity of making any election.

8.3 Release - The Owner hereby releases and forever discharges the City, its elected officials, officers, employees, servants and agents, successors and assigns from and against all claims, demands, damages, actions or causes of actions, losses suffered or costs or expenses incurred, by reason of or arising in any way from the existence or enforcement of this Agreement or out of any advice or direction respecting the ownership, lease, operation or

management of the Facility which has been or hereafter may be given to the Owner by all or any of them.

- 8.4 Entire Agreement - This Agreement and the agreements, instruments and other documents entered into under this Agreement set forth the entire agreement and understanding of the parties with respect to the subject matter of this Agreement and supersede all prior agreements and understandings among the parties with respect to the matters herein and there are no oral or written agreements, promises, warranties, terms, conditions, representations or collateral agreements, express or implied, other than those contained in this Agreement.
- 8.5 No Severability - It is the intent of the parties that in case any one or more of the provisions contained in this Agreement shall be held to be invalid or unenforceable in any respect, such invalidity or unenforceability shall affect the other provisions of this Agreement and this Agreement shall thereupon terminate.
- 8.6 Amendment - This Agreement may be altered or amended only by an agreement in writing signed by the parties and by the filing of a notice of amendment in the Land Title Office.
- 8.7 Further Assurances - Each of the parties shall at all times and from time to time and upon reasonable request do, execute and deliver all further assurances, acts and documents for the purpose of evidencing and giving full force and effect to the covenants, agreements and provisions in this Agreement.

8.8 Notices - Any demand or notice which may be given under this Agreement shall be in writing and delivered or faxed addressed to the parties as follows:

The City:
City of Maple Ridge
11995 Haney Place
Maple Ridge, British Columbia
V2X 6A9

Attention: Frank Quinn, General Manager, Public Works and Development Services (or designate)

The Operator:

<>
<>
<>
<>

Attention: <>

The Owner:

<>
<>
<>
<>

Attention: <>

or at such other address as any party may specify in writing to the other. The time of giving and receiving any such notice shall be deemed to be on the day of delivery or transmittal.

8.9 This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

9. Specific Performance

9.1 The Owner agrees that because of the public interest in ensuring that all of the matters described in this Agreement are complied with, the public interest strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the City, in the event of an actual or threatened breach of this Agreement.

10. Notice of Housing Agreement

10.1 For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a Housing Agreement entered into under section 483 of the *Local Government Act*;
- (b) the City is required to file a notice of this Housing Agreement and any amendment of this Housing Agreement in the *Land Title Office* against title to the Land; and
- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land as a Housing Agreement under section 483 of the *Local Government Act*.
- (d) wherever in this Agreement the Owner is required by the City by the terms hereof to compel the Operator to perform its contractual promises, the Owner shall ensure that in its agreement with the Operator it may so compel the Operator to act as required by the City and, for clarity it is agreed by the Operator that any such requirement imposed on the Owner by the City to cause the Operator to comply with any term hereof will be binding on the Operator.

11. AUTHORIZING BYLAW ADOPTED BY Maple Ridge City Council on the <> day of <>, 20<>.

THE TERMS AND CONDITIONS UPON WHICH THIS HOUSING AGREEMENT IS ISSUED ARE HEREBY ACKNOWLEDGED BY:

The OPERATOR, <>(Society or Company Name),
by its authorized signatories:

Print Name:

Print Name:

The OWNER, <>(Owner Names or Company Name):

<> (use UPPERCASE)

<> (use UPPERCASE)

THIS HOUSING AGREEMENT IS ISSUED this day of , 20<>

CITY OF MAPLE RIDGE)
by its authorized signatories:)
)
)
)
_____)
Mayor, Nicole Read)
)
)
)
_____)
City Clerk, Laurie Darcus)

C/S