

File: 3900-02

April 9, 2025

Via email: aproton@courtenay.ca

City of Courtenay
830 Cliffe Ave
Courtenay, BC V9N 2J7

Attention: Ms. Adriana Proton, Manager of Legislative Services

Dear Ms. Proton:

Re: Bylaw No. 865 being "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009, Amendment No. 2".

The Comox Valley Regional District (CVRD) Board, at its meeting of April 8, 2025, gave three readings to Bylaw No. 865 being " Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009, Amendment No. 2" (attached). The intent of the bylaw is to remove the Town of Comox as a participant in the Comox Valley Housing Service.

This bylaw, prior to submission for approval from the Inspector of Municipalities, requires written consent of two-thirds of the participants in the service, being the Directors for Electoral Areas A, B and C, the City of Courtenay, the Town of Comox and the Village of Cumberland.

In light of the above, the board requests your council to consent to the bylaw amendment under section 349 of the *Local Government Act* by considering the following resolution:

THAT the City of Courtenay consent to the adoption of Comox Valley Regional District Bylaw No. 865 being "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009, Amendment No. 2" under section 349 of the *Local Government Act*.

By way of background information, please find attached the staff report dated March 6, 2025 regarding the initiation of a service review by the Town of Comox for the Comox Valley Housing Service 450.

At the March 11 Board meeting, the Board directed the CVRD Chief Administrative Officer, James Warren, to engage with the service participants in consideration of an expedited service withdrawal for the Town of Comox. Based on this informal engagement, consent of the participants is anticipated and considering the interests of the Town of Comox, adoption of Bylaw No. 865 would negate the need for a service review.

In order to proceed in a timely manner, we would appreciate a response by May 9, 2025. If you have any questions, please contact me at 250-334-6052 or via email at ldennis@comoxvalleyrd.ca.

We look forward to hearing from you at your earliest convenience.

Sincerely,

L. Dennis

Lisa Dennis
Manager of Legislative Services

Attachments: Bylaw No. 865 at third reading
 Staff report dated March 6, 2025

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 865

A bylaw to amend the service establishing bylaw for the Comox Valley Housing Service to remove the Town of Comox as a participant

WHEREAS the Emergency Shelter and Supportive Housing Land Acquisition Service was created by the adoption of Bylaw No. 52 being "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009" on the 26th day of May, 2009;

AND WHEREAS the Emergency Shelter and Supportive Housing Land Acquisition Service was amended to the Comox Valley Housing Service by the adoption of Bylaw No. 850 being "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009, Amendment No. 1" on the 25th day of February, 2025;

AND WHEREAS the Board wishes to amend the service bylaw to remove the Town of Comox as a participant to the service and address a minor housekeeping update;

AND WHEREAS consent of at least two-thirds of the participants has been obtained in accordance with the *Local Government Act (RSBC, 2015, C. 1)*;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained in accordance with the *Local Government Act (RSBC, 2015, C. 1)*; and

NOW THEREFORE the Board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Amendment

1. Bylaw No. 52 being "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009" is hereby amended by:
 - (a) Replacing section 2 (Boundaries) which reads as follows:
 2. The boundaries of the service are coterminous with the Comox Valley Regional District including the City of Courtenay, the Town of Comox, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman / Hornby

Islands), Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek).

with the following:

2. The boundaries of the service are the City of Courtenay, the Village of Cumberland, Electoral Area A (Baynes Sound – Denman / Hornby Islands), Electoral Area B (Lazo North) and Electoral Area C (Puntledge – Black Creek).

(b) Replacing section 3 (Participants) which reads:

3. The participating areas for the service are the City of Courtenay, the Town of Comox, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman / Hornby Islands), Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek) (the "participating area").

with the following:

3. The participating areas for the service are the City of Courtenay, the Village of Cumberland, Electoral Area A (Baynes Sound – Denman / Hornby Islands), Electoral Area B (Lazo North) and Electoral Area C (Puntledge – Black Creek) (the "participating area").

(c) Replacing section 7 (Review of service) which reads:

7. All aspects of the emergency shelter and supportive housing service shall be reviewed every five years, with the first review occurring in 2014.

With the following:

7. All aspects of the service shall be reviewed every five years, with the first review occurring in 2014.

Citation

2. This Bylaw No. 865 may be cited as "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009, Amendment No. 2".

Read a first and second time this 8th day of April 2025.

Read a third time this 8th day of April 2025.

Corporate Officer

DATE: March 6, 2025**TO:** Chair and Directors
Comox Valley Regional District Board**FILE:** 5040-20/Service 450**FROM:** James Warren
Chief Administrative OfficerSupported by James Warren
Chief Administrative Officer***J. Warren*****RE: Town of Comox - Service Review Initiation**

Purpose

To provide information concerning the initiation of a service review by the Town of Comox for the Comox Valley Regional District's (CVRD) Emergency Shelter and Supportive Housing Land Acquisition Service (Service 450), now the Comox Valley Housing Service.

Recommendation from the Chief Administrative Officer:

1. THAT in response to the Town of Comox's initiation of a service review for Service 450, a preliminary meeting of the participant representatives be scheduled for a suitable date in April 2025;

AND FURTHER THAT the municipal participants in the service, that being the City of Courtenay, Town of Comox and Village of Cumberland be requested to appoint a representative to the service review;

AND FINALLY THAT the CVRD Board Chair be appointed as the representative of the Comox Valley Regional District Board.

2. THAT the Chief Administrative Officer, in consultation with the Chief Administrative Officers of the Town of Comox, Village of Cumberland and City of Courtenay, engage a facilitator to support the review process for Service 450 Comox Valley Housing Service.

Executive Summary

- Correspondence (attached as Appendix A) has been received from the Town of Comox initiating a service review of Service 450 Emergency Shelter and Supportive Housing Land Acquisition Service (Service 450), which has since been amended to the Comox Valley Housing Service.

- Part 10, Division 6 (Dispute Resolution in Relation to Services) of the *Local Government Act* (LGA) provides for a formal process for service partners to review the terms and conditions of their service arrangements and seek resolution to disputes and, where desired and authorized, service withdrawal.
- Staff recommend that the service review process be commenced in alignment with the statutory process and timelines. Initiating the process entails confirming the participant representatives and scheduling a preliminary meeting to review the terms and conditions of the service and establish the negotiation process.
- The legislation provides that at any time during a review, the Minister of Housing and Municipal Affairs (Ministry) may appoint a facilitator to assist in reaching an agreement. Discussions with Ministry staff has indicated that an appointment is not anticipated. As such, Board direction is sought to retain a neutral third-party facilitator to support the conduct of the preliminary meeting and all subsequent negotiations.

Prepared by:

J. Martens

Jake Martens
General Manager of
Corporate Services

Government and Community Interests Distribution (Upon Agenda Publication)

Town of Comox	✓
City of Courtenay	✓
Village of Cumberland	✓

Background/Current Situation

The CVRD's Service 450 (the Service) was established through the adoption of Bylaw No. 52 being "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009". The Service was created to acquire land for emergency shelter and supportive housing purposes in the Comox Valley Regional District. Shortly after its establishment the Service was used to acquire land for a housing project which was ultimately not realized in that location.

The service remained relatively inactive until 2022 when the Board, in response to the growing housing and homelessness challenges, directed the completion a strategic review of this Service alongside the Comox Valley Homelessness Supports Service. The report entitled "[Homelessness and Supports Service Review Implementation and Emergency Shelter Service Review](#)" was received by the Board

in September of 2023. Aligned with the report findings, the Board proceeded to advance its understanding and intentions with respect to the Regional District's role and activities to address housing affordability and homelessness. Such considerations were the core focus of the Board's strategic planning session which provided direction to establish a means for regional housing collaboration, coordination, advocacy and development focused on non-market rental housing.

In 2024, work commenced on three strategic housing projects: Regional Housing Action Plan, Homelessness Needs Assessment and Community Plan and a [Direct-Action Feasibility Study](#). The latter report identified Service 450 as a vehicle that, subject to its amendment, could be used to fund direct actions undertaken by the CVRD. Bylaw No. 850 being "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009, Amendment No. 1" was adopted by the Board at the February 25, 2025 regular meeting, increasing the maximum requisition and revising the service purpose to the provision of non-market housing, including:

- investing in, developing, acquiring, holding and disposing of lands and buildings for the purposes of providing non-market housing; and
- the provision of assistance in accordance with the requirements of the *Local Government Act* (LGA) to a corporation established by the CVRD.

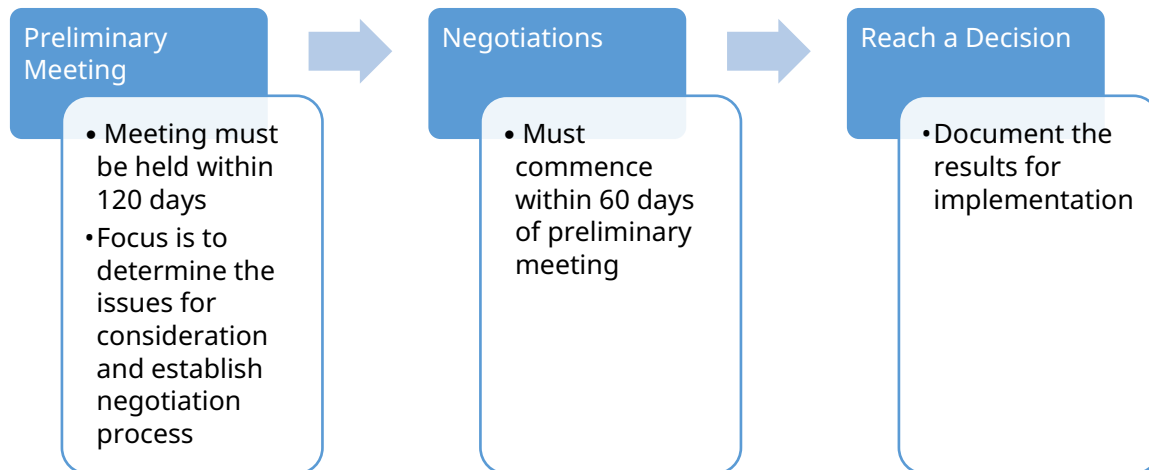
The Town of Comox's letter dated February 25, 2025 (Appendix A) has expressed disapproval with the revisions to Service 450 and a general desire to make direct contributions to affordable housing and homelessness initiatives. Based on this feedback, a service review is an appropriate step to seek resolution to these issues through potential changes to the terms and conditions for the service and/or its participants. A letter of response from the Ministry is expected but has not been received as of the time to writing this report.

The LGA provides for a formal process for service partners to review the terms and conditions of their service arrangements and seek resolution to disputes and, where desired and authorized, service withdrawal. These provisions reflect the general principle that regional district services are voluntary and consensual.

In undertaking a service review there are three options available to regional districts: informal, bylaw-based and statutory. The bylaw-based option is triggered when a regional district has drawn on the specific authority to include their own review process within a service establishment bylaw. Once established, the process outlined in the bylaw then supersedes the statutory review process. The service establishment bylaw for Service 450, that being Bylaw No. 52 "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52,

2009” (Appendix B) includes a special provision that requires the service to be reviewed every five years but does not provide a detailed alternative review process. This has created some ambiguity concerning the applicability of the default statutory review process.

The statutory review process with additional supporting steps is summarized in the process chart below:



Given the broad nature of the statutory review process, staff recommend following the same general process and timelines. It is noted that the bylaw-based review still ties-in to the service withdrawal provisions provided for in the LGA if agreement is ultimately not reached. In general, withdrawal can be initiated by a participant if the service has been subject to a review within the past three years, the first meeting respecting the review was convened more than eight months ago and the service is not a regulatory service or a service prescribed in the LGA. If a service withdrawal is initiated, the Minister of Housing of Municipal Affairs must do one of the following:

- if the establishing bylaw provides an alternative review process and the minister considers that agreement may be reached by a service review under this Division, terminate the service withdrawal and direct the parties to engage in a service review;
- direct the parties to engage in further negotiations respecting continued participation in the service, specifying a time period within which the parties must conclude negotiations;
- direct the parties to engage in negotiations respecting the terms and conditions for withdrawal, specifying a time period within which the parties must conclude negotiations;

- direct the parties to engage in mediation respecting the terms and conditions for withdrawal, specifying a time period within which the mediation must be concluded;
 - if satisfied that agreement is unlikely, direct that the terms and conditions for withdrawal from the service be resolved by arbitration.

Initiating the service review process entails confirming the participant representatives and scheduling a preliminary meeting to review the terms and conditions of the service and the establish the negotiation process. 120 days from February 25th would put the deadline for the preliminary meeting at June 25th, 2025. Service reviews are to be conducted by a committee consisting of one representative from each of the service participants and one from the CVRD Board. Issuing a request for participant representatives, confirming the preliminary meeting date and identifying a third-party facilitator form the critical first steps in initiating the process.

While a third-party facilitator is to be engaged to support the process, service reviews require the commitment of staff resources to organize and coordinate meetings, undertake research and financial analysis as well as collaborate with municipal staff and other relevant parties to the process. A key focus of the 2025 workplan for Service 450 is to engage with interest groups and community partners, define the key elements of the housing corporation (e.g. business plan, articles of incorporation, partnering agreement), obtain provincial approval, and launch the entity. This body of work will require many of the same staff resources engaged in the service review process, meaning that an extended service review may impact progress on the described workplan.

Options

The following two options are identified for the Board's consideration:

1. Proceed with initiating the service review process as described and recommended by this report.
2. Consider an amendment to the service establishment bylaw to alter the service participants or other key terms and conditions to quash the need for a service review. With the agreement of the CVRD Board and consent from 2/3rds of the participants, amendments to the service establishment bylaw could be made to bring about desired changes that could address the issues raised by the Town of Comox. This process could significantly expedite the process and minimize the length of time and resources required for the service review. Such an approach is recommended only if the desired changes can be readily identified and consensus is probable. This approach may also result in some unintended consequences including that the issues raised by the Town of Comox, or other

participants during a preliminary meeting, are not fully explored. Also, other participants may follow a similar path in seeking withdrawal from the service, further eroding the viability of the Board's vision to support non-market rental housing. Directors are encouraged to give especially careful consideration of this option.

Should the Board opt to pursue option 2, it could: *direct the Chief Administrative Officer to explore the issues raised by the Town of Comox in respect of their participation in Service 450 in a cursory fashion with the municipal Chief Administrative Officers and the Elector Area Directors in conjunction with expedited service withdrawal for the Town of Comox.*

Following that exploration, if consensus does not appear likely, the Board would have to give further consideration to option 1.

Financial Factors

The allocation and recovery of the costs of the service review are generally prescribed in the LGA. The service review process costs, including the production of reports or studies to inform the review process, administrative expenses associated with co-ordinating the process, and any consultancy or expert fees that are incurred, will be funded by Service 450 Comox Valley Housing Service. In general, the only exception to this are the fees of a facilitator if appointed by the minister. It is also noted that a municipality or an electoral area is responsible for its own costs of participating in the service review. This would include expenses incurred by the participant, such as travel or staff time and reports undertaken independently.

Strategic Considerations - Strategic Drivers						
Fiscal Responsibility		Climate Crisis and Environmental Stewardship and Protection		Community Partnerships		Indigenous Relations
						Accessibility, Diversity, Equity and Inclusion

The Board's Strategic Drivers are not identified as core considerations in the service review process.

Strategic Considerations - Regional Growth Strategy Goals						
Housing	✓	Ecosystems, Natural Areas and Parks		Local economic development		Transportation
Infrastructure		Food Systems		Public Health and Safety		Climate Change

Service 450 is viewed as a key component of the Regional District's diverse efforts to achieve Goal 1 – Housing, of the Regional Growth Strategy which strives to ensure a diversity of housing options to meet evolving demographics and needs. Objective 1-B: Increase affordable housing options, notes the scarcity of affordable housing and its impact on households within the Comox Valley. The Strategy recognizes that affordable housing is realized in many forms, ranging from moderately sized and apportioned market housing to secondary suite rentals to subsidized and cooperative housing.

Intergovernmental Factors

The service review is proposed to include one representative of each of the service participants and the CVRD Board. It is expected that the representatives are to keep their governing body briefed respecting the negotiations and the service review process. Subject to inclusion in the approved negotiation process, it is envisioned that a staff representative from the participating jurisdictions may attend meetings to remain current on discussions, provide information as requested, review options and assist in briefing their governing body.

Citizen/Public Relations

Public engagement is not planned or proposed as part of the service review process, however, general input from the public and stakeholders may be provided through delegations or written correspondence to the CVRD Board or the individual participating municipal governments.

When completed, the service review outcome(s) will be communicated to the public.

Attachments: Appendix A – Town of Comox Service Review Initiation
 Appendix B – Bylaw No. 52 being “Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009” (Consolidated version)

File: 0114-30 / 2025.01

February 25, 2025

Via email only:

The Honourable Ravi Kahlon
Minister of Housing and Municipal Affairs
Parliament Buildings
Victoria, BC V8V 1X4
HMA.Minister@gov.bc.ca

Chair and Directors
Comox Valley Regional District
770 Harmston Ave
Courtenay, B.C. V9N 0G8
jwarren@comoxvalleyrd.ca

Mayor and Council
The Corporation of the City of Courtenay
830 Cliffe Ave
Courtenay, B.C. V9N 2J7
council@courtenay.ca

Mayor and Council
The Corporation of the Village of Cumberland
2673 Dunsmuir Ave
Cumberland, B.C. V0R 1S0
info@cumberland.ca

RE: SERVICE 450 REQUEST FOR SERVICE REVIEW

Dear Minister, Board Chair and Mayors:

The Town of Comox (the Town) and the Comox Valley Regional District (the CVRD) have a longstanding and positive relationship across numerous services. We plan to continue this strong relationship into the future.

The Town has been a participant in the CVRD's Emergency Shelter and Supportive Housing Land Acquisition Service (Service 450) since its inception in May of 2009. Service 450 has not been subject to a service review within the past three years, and the establishing bylaw does not include provisions for an alternative review process.

This letter serves as our formal notice that the Town finds the terms and conditions of participation in Service 450 unsatisfactory (certified resolutions enclosed). Service 450 was established in 2009 to support land acquisition for emergency shelter and supportive housing. This service remained largely inactive for years, with a renewed budget of approximately \$73,000 in 2023 and \$722,000 in 2024.

Recently, the CVRD began the process of expanding Service 450's scope to accomplish a newly developed strategic goal of creating a Housing Corporation, providing additional grants to

February 25, 2025

Page 2

organizations supporting the homeless and developing a non-market housing master plan. However, the CVRD has an existing Homelessness Support Service (Service 451), which was established in 2015 to provide funds to local organizations that address homelessness in the Comox Valley.

The Town of Comox has chosen not to join Service 451 and instead funds affordable housing and similar initiatives locally through payments directly to support organizations. In September of 2024, prior to the proposed expansion of Service 450, staff from the Town and the CVRD discussed a more appropriate service for the expanded scope, which was Service 451. Comox's representative made it clear to the CVRD that it would not be appropriate to place these new services in Service 450, since they were not part of the scope of service that the Town chose to participate in when Service 450 was initiated.

The CVRD proceeded to increase the scope of Service 450, not knowing if the expanded service would receive support from Comox Council. In our current climate, our Town and residents are under immense pressure to meet the infrastructure costs of a growing community under Bill 44 and an influx of new residents into our communities.

Changing the nature and purpose of a service which has largely been dormant, to include a purpose that had never been envisioned or agreed to, and is not supported by all the participants, has left the Town of Comox no choice but to initiate a service review.

It is the hope of the Town of Comox moving into the future that we are fully consulted, and our consent sought when already established and negotiated services in which we are participants undergo fundamental changes. The work that the Comox Valley Regional District intends to undertake through this service is important and we hope to continue to support work and efforts to bolster affordable housing in the Comox Valley through continued direct contributions.

Yours truly,



Her Worship,
Mayor Nicole Minions

Enclosed: Town of Comox – Certified Resolutions of January 15, 2025, Regular Council Meeting



RESOLUTIONS OF COUNCIL

TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202
Comox BC V9M 1R9 Fx: (250) 339-7110

I hereby certify the following to be a true copy of the resolution(s) as passed by Council during their Regular Council Meeting of January 15, 2025 in the Town of Comox:

THAT the December 4, 2025, presentation from the Comox Valley Regional District regarding Homeless and Affordable Housing supports and Regional Transportation and the Alternative Approval Process for the proposed bylaw changes be received for information.

2025.011 -- CARRIED

THAT, given the changes in scope of Service 450 (Emergency Shelter and Supportive Housing Land Acquisition), Comox initiate a service review with the intention to withdraw from the service.

2025.013 -- CARRIED

February 21, 2025

DATE

SHELLY RUSSWURM
CORPORATE OFFICER



Emergency Shelter and Supportive Housing Land Acquisition

The following is a consolidated copy of the Emergency Shelter and Supportive Housing Land Acquisition Bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
52	Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009	August 25, 2009	To establish a service to acquire land for emergency shelter and supportive housing purposes in the Comox Valley Regional District
850	Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009, Amendment No. 1	February 25, 2025	To amend the service purpose and increase the maximum requisition

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT**BYLAW NO. 52****A bylaw to establish the emergency shelter and supportive housing land acquisition service**

WHEREAS under section 796 of the *Local Government Act* a regional district may operate any service the board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the board of the Comox Valley Regional District wishes to establish a service to acquire land for emergency shelter and supportive housing purposes in the Comox Valley Regional District;

AND WHEREAS the approval of the inspector of municipalities has been obtained under section 801 of the *Local Government Act*; and

AND WHEREAS the approval for the participating areas was obtained by alternative approval process under section 801.3 of the *Local Government Act*;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Service

1. The service established by this bylaw is the Comox Valley Housing Service (the "Service") for the purpose of providing non-market housing within Comox Valley Regional District and without limitation includes:
 - (a) Investing in, developing, acquiring, holding and disposing of lands and buildings for the purposes of providing non-market housing;
 - (b) the provision of assistance in accordance with the requirements of the *Local Government Act* to a corporation established by the Comox Valley Regional District for the purposes stated in sub-section 1(a) of this Bylaw.

Boundaries

2. The boundaries of the service are coterminous with the Comox Valley Regional District including the City of Courtenay, the Town of Comox, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman / Hornby Islands), Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek).

Participants

3. The participating areas for the service are the City of Courtenay, the Town of Comox, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman / Hornby Islands), Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek) (the "participating area").

Cost recovery

4. The annual cost of providing the service shall be recovered by one or more of the following:
 - (a) Property value taxes;
 - (b) Parcel taxes;
 - (c) Revenues raised by other means authorized by the *Local Government Act* or another act; and
 - (d) Revenues received by way of agreement, enterprises, gift, grant or otherwise.

Maximum requisition

5. The maximum amount that may be requisitioned annually for the cost of the service established by this bylaw is the greater of \$1,500,000 or \$0.05592 per \$1,000 of assessed value.

Apportionment

6. The annual costs of the service shall be apportioned among the participating areas on the basis of population as defined in the schedule to the *Community Charter*.

Review of service

7. All aspects of the emergency shelter and supportive housing service (Comox Valley Housing Service) shall be reviewed every five years, with the first review occurring in 2014.

Citation

8. This Bylaw No. 52 may be cited for all purposes as the "Emergency Shelter and Supportive Housing Land Acquisition Service Establishment Bylaw No. 52, 2009" .