



BULLETIN

Miscellaneous Statutes Amendment Act, 2014

(Bill 17, 2014)

Royal Assent – May 29, 2014

AMENDMENTS NOW IN FORCE

Miscellaneous Statutes Amendment Act, 2014 (Bill 17, 2014)

Amendments to Local Government Act, Community Charter and Vancouver Charter are now in force (as of the date of Royal Assent-May 29, 2014)

Bill 17, 2014, the ***Miscellaneous Statutes Amendment Act, 2014*** includes amendments to streamline local and provincial government land use planning and development approvals, modernize outdated legislative tools and provide greater certainty and transparency for residents and those who develop and build within communities. Specifically, Bill 17 introduced amendments to the *Local Government Act, Community Charter* and *Vancouver Charter* to remove unnecessary ministerial approvals for certain land use planning and development bylaws; allow modern land use policies and practices to replace land use contracts; and, protect developers from increases in development cost charges (DCC) (or development cost levies (DCL) in the City of Vancouver) for 12 months after DCC/DCL rate increases are made, where a rezoning or development permit application is in process.

Amendments:

Amendments to the *Local Government Act, Community Charter* and *Vancouver Charter*:

Removing the requirement for Ministerial approval for Regional District (RD) land use bylaws

The following amendments remove the requirement for Ministerial approval of certain RD land use bylaws, streamlining the RD bylaw approval process. They also broaden the authority of the Minister to develop provincial policy guidelines in relation to RD land use bylaws, providing an opportunity to provide clarity regarding provincial interests and support the appropriate notification and referral of regional district bylaws to Provincial ministries and agencies.

- Removes requirement for Ministerial approval of RD OCP, zoning, subdivision servicing and temporary use bylaws (*LGA* s. 882, 913, 921, 930, 938).
- Provides discretionary authority for the Minister to require approval of RD bylaws (*LGA* s. 874.1).
- Broadens the existing authority of the Minister to develop provincial policy guidelines in relation to RD zoning, subdivision servicing and temporary use bylaws (*LGA* s.873.2).
- Removes the requirement for the minister responsible for the *Transportation Act* to approve subdivision servicing bylaws, if a regional district provides the subdivision approving officer services, and provides discretionary regulatory authority for that minister to require approval of such bylaws (*LGA* s. 938(3.1)).

Removing Ministerial approval for soil removal and deposit bylaws that include fees

- Removes the requirement for the Minister to approve the application of fees within *municipal* soil removal and deposit bylaws (*CC* s. 195(3)), and for such *regional district* bylaws (*LGA* s. 723(7)).
- Note: The Ministry of Environment maintains its approval role for soil deposit bylaws, and the Ministry of Energy and Mines maintains its approval role for soil removal bylaws.

Terminating Land Use Contracts (LUC)

- Provides for the termination of all land use contracts in affected BC municipalities and regional districts on the "sunset" date of June 30, 2024 and requires all local governments to have zoning in place for lands covered by land use contracts by June 30, 2022 (*LGA* Part 26, Division 7.1, s. 914.1).
- Enables local governments to undertake early termination of land use contracts under certain conditions (*LGA*, Division 7.1, s. 914.2), namely:
 - Early termination bylaw is adopted on or before June 30, 2022;
 - Early termination bylaw comes into force at least one year after it is adopted;
 - A public hearing, which cannot be waived, is held (*LGA* s. 892, 893);
 - Zoning is in place where land use contracts are to be terminated; and
 - Proper land title office is notified of early termination bylaw within 30 days of its adoption.
- Requires local governments to give written notice of land use contract termination, when land use contracts are terminated early or in advance of the sunset date of June 30, 2024 (*LGA* s. 914.3).
- Provides Boards of Variance with new authority to extend the dates set in early termination bylaws for reasons of hardship, up to the sunset date of June 30, 2024 at the latest (*LGA* s.901.1).
- Provides non-conforming use status to land, buildings and structures that are on land subject to a land use contract after land use contracts are terminated (*LGA* s. 911).
- Provides that compensation is not payable with regard to land use decisions for the termination of land use contracts, which extends the current no-compensation provisions currently provided in relation to land use bylaws (*LGA* s. 914).
- Note: this amendment does not impact the City of Vancouver, as there are no lands affected by land use contracts in the City.

Providing in-stream protection from DCC/DCL rate changes

- Provides developers with 12 months protection from increases to development cost charges (DCCs) if a DCC bylaw is adopted after an application for a rezoning or a development permit has been submitted to a local government for approval (in a form acceptable to the local government and fees paid) (*LGA* s.937.001).
 - The same level of protection currently exists for subdivision (*LGA* s. 943) and building permit applications (*LGA* s. 937.001).
- Provides that the same 12-month protection applies to development cost levy (DCL) rate changes in the City of Vancouver for development permit and rezoning applications (in a form acceptable to the City and fees paid) (*VC* s.523D).
 - The City of Vancouver currently has the same level of protection for building permit applications (*VC* s. 523D (8.2)).

Practical Considerations:

- The changes came into force on the date that the *Miscellaneous Statutes Amendment Act, 2014* (Bill 17) receives Royal Assent. Royal Assent was received on May 29, 2014.

Statutes amended:

Local Government Act: sections 5, 723, 870, 873.2, 874.1, 876, 882, 890, 892, 893, 900, 901.1, 911, 913, 914, 914.1, 914.2, 914.3, 914.4, 921, 930, 937.001, 938

Community Charter: section 195

Vancouver Charter: sections 2.1, 523D **Link to Bill 17, 2014**

http://leg.bc.ca/40th2nd/3rd_read/gov17-3.htm