



**Federation
of
North
Vancouver
Community
Associations**

FONVCA AGENDA
THURSDAY June 20th 2013

Place: DNV Hall 355 W. Queens Rd V7N 2K6

Time: 7:00-9:00pm

Chair: Peter Thompson – Edgemont & Upper Capilano Community Association

Tel: 604-985-5961 **Email:** peterjthompson@shaw.ca

Notetaker: Sharlene Hertz

Regrets: John Hunter – Seymour C.A.

Lesley Brooks to sub. for Eric Andersen (Blueridge C.A.)

1. Order/content of Agenda

- a. Chair Pro-Tem Suggests:

2. Adoption of Minutes of May 15th

- a. <http://www.fonvca.org/agendas/may2013/minutes-may2013.pdf>
Emails pertaining to draft minutes will be distributed at meeting.
- b. **Business arising from Minutes.**

3. Roundtable on “Current Affairs”

A period of roughly 30 minutes for association members to exchange information of common concerns.

- a. **EUCCA:** ESL / Village Refresh Phase 2 / William Griffin
<http://identity.dnv.org/article.asp?c=1168>
<http://www.dnv.org/article.asp?a=5648>
<http://www.dnv.org/article.asp?a=5576>
- b. **SOS: June 23 Waterfront Walk**
<http://www.fonvca.org/agendas/jun2013/WalkPost.pdf>
<http://www.nv-saveourshores.ca/Home/tabid/36/Default.aspx>

4. Old Business

- a) **Update: “Process” FONVCA Committee**

5. Correspondence Issues

- a) **Business arising from 5 regular emails:**
Distributed with full package and posted on web-site
- b) **Non-Posted letters – 1 last, 0 this period**
Distributed with full package but not currently posted on web-site.

6. New Business

- a) **DNV Annual Report** – Public input June 24
<http://www.dnv.org/annualreport2012>
- b) **Recent longboarder injuries**
– see related articles in
<http://www.fonvca.org/agendas/jun2013/news-clips/>
- c) **July/August FONVCA Activities?**
- d) **OCP Implementation**

7. Any Other Business

- a) **FONVCA Web Site Hosting – Renewal**
Update: Due: December 15/2013 Cost: \$400/3yr
-should submit invoice to DNV ~ Sep/2013
- b) **Vancouver Land Trust and Co-op Housing**
<http://www.chf.bc.ca/news/new-co-op-be-part-land-trust-housing-development-vancouver>
<http://www.chf.bc.ca/sites/stage.chf.affinitybridge.com/files/Four%20Properties%20release%20final.pdf>
- c) **2013 International Housing Affordability Survey**
<http://www.demographia.com/dhi.pdf>
- d) **Vancouver’s Engaged City Task Force Quick Starts Report**
<http://vancouver.ca/files/cov/Engaged-City-Task-Force-Quick-Starts-Report.pdf>

8. For Your Information Items

a) Non-Legal Issues

- i. News-Clips of the month June 2013
<http://www.fonvca.org/agendas/jun2013/news-clips/>
- ii. Antenna Systems Protocol Template (FCM)
http://www.fcm.ca/Documents/tools/FCM/Antenna_System_Siting_Protocol_EN.pdf
- iii. Review of Development Cost Levies in Vancouver
<http://vancouver.ca/files/cov/cfsc-1a.pdf>
- iv. FCM: State of Canada’s Cities and Communities 2013
http://www.fcm.ca/Documents/reports/The_State_of_Canada_s_Cities_and_Communities_2013_EN_web.pdf
http://www.fcm.ca/Documents/reports/The_State_of_Canadas_Cities_and_Communities_2013_Executive_Summary_EN_web.pdf

b) Legal Issues

- i. Court overturns charges against man who shot bear
<http://www.fonvca.org/agendas/jun2013/Higer%20court%20tosses%20out%20charges%20against%20man%20who%20shot%20bear.pdf>
- ii Legality of restricting export of electronic waste
<http://www.fas.org/sgp/crs/misc/R42373.pdf>
http://en.wikipedia.org/wiki/Electronic_waste_by_country
<http://www.dflaw.com/tasks/sites/deanfulkerson/assets/image//Transportation%20of%20Canadian%20Waste.pdf>
<http://www.metrovancouver.org/services/solidwaste/planning/Engagement/ConsultationDocs/WasteFlowManagement-FAQ.pdf>

9. Chair & Date of next meeting

- a. **July 17th / August 21st / September 18th**

FONVCA Received Correspondence/Subject

13 May 2013 → 16 June 2013

LINK	SUBJECT
http://www.fonvca.org/letters/2013/13may-to/Doug_Curran_22may2013.pdf	Home Values near Transit Outperform counterpart throughout recession
http://www.fonvca.org/letters/2013/13may-to/Doug_Curran_28may2013.pdf	Lack of engagement in planning realities leads to misaimed thinking
http://www.fonvca.org/letters/2013/13may-to/Wendy_Qureshi_30may2013.pdf	Lynn Valley doesn't fit
http://www.fonvca.org/letters/2013/13may-to/Doug_Curran_30may2013.pdf	Canada's Energy Future
http://www.fonvca.org/letters/2013/13may-to/John_Hunter_3jun2013.pdf	New Fencing along Second Narrows Bridge

Past Chair Pro/Tem of FONVCA (Jan 2010-present)

Notetaker

Jun 2013	Peter Thompson	Edgemont & Upper Capilano C.A.	To be determined
May 2013	John Miller	Lower Capilano Community Residents Assoc.	Dan Ellis
Apr 2013	Paul Tubb	Pemberton Heights C.A.	Sharlene Hertz
Mar 2013	Dan Ellis	Lynn Valley C.A.	Sharlene Hertz
Feb 2013	Diana Belhouse	Delbrook C.A. & SOS	John Miller
Jan 2013	Val Moller	Woodcroft & LGCA	Sharlene Hertz
Nov 2012	Eric Andersen	Blueridge C.A.	Cathy Adams
Oct 2012	Peter Thompson	Edgemont & Upper Capilano C.A.	Charlene Hertz
Sep 2012	John Hunter	Seymour C.A.	Kim Belcher
Jun 2012	Paul Tubb	Pemberton Heights C.A.	Diana Belhouse
May 2012	Diana Belhouse	Delbrook C.A. & SOS	John Miller
Apr 2012	Val Moller	Lions gate C.A.	Dan Ellis
Mar 2012	Eric Andersen	Blueridge C.A.	John Hunter
Feb 2012	Dan Ellis	Lynn Valley C.A.	John Miller
Jan 2012	Brian Platts	Edgemont & Upper Capilano C.A.	Cathy Adams
Nov 2011	Paul Tubb	Pemberton Heights	Eric Andersen
Oct 2011	Diana Belhouse	Delbrook C.A. & SOS	Paul Tubb
Sep 2011	John Hunter	Seymour C.A.	Dan Ellis
Jul 2011	Cathy Adams	Lions Gate C.A.	John Hunter
Jun 2011	Eric Andersen	Blueridge C.A.	Cathy Adams
May 2011	Dan Ellis	Lynn Valley C.A.	Brian Platts/Corrie Kost
Apr 2011	Brian Platts	Edgemont & Upper Capilano C.A.	Diana Belhouse
Mar 2011	Val Moller	Lions Gate C.A.	Eric Andersen
Feb 2011	Paul Tubb	Pemberton Heights ← Special focus on 2011-2015 Financial Plan	
Jan 2011	Diana Belhouse	S.O.S.	Brenda Barrick
Dec 2010	John Hunter	Seymour C.A. ← Meeting with DNV Staff on Draft#1 OCP	None
Nov 2010	Cathy Adams	Lions Gate C.A.	John Hunter
Oct 2010	Eric Andersen	Blueridge C.A.	Paul Tubb
Sep 2010	K'nud Hille	Norgate Park C.A.	Eric Andersen
Jun 2010	Dan Ellis	Lynn Valley C.A.	Cathy Adams
May 2010	Val Moller	Lions Gate C.A.	Cathy Adams
Apr 2010	Paul Tubb	Pemberton Heights	Dan Ellis
Mar 2010	Brian Platts	Edgemont C.A.	Diana Belhouse
Feb 2010	Special		
Jan 2010	Dianna Belhouse	S.O.S	K'nud Hille

FONVCA

Draft Minutes of Regular Meeting May 15th 2013

At DNV Hall 355 W. Queens Rd V7N 2K6

Attendees

John Miller (chair)	Lower Capilano Community R.A.
Cathy Adams	Lions Gate N.A.
Eric Andersen	Blueridge C.A.
Diana Belhouse	Delbrook C.A. & Save Our Shores Society
Doug Curran	Capilano Gateway Association
Dan Ellis (notes)	Lynn Valley C.A.
Sharlene Hertz*	Delbrook C.A.
John Hunter	Seymour C.A.
Corrie Kost	Edgemont & Upper Capilano CA
Val Moller	Woodcroft

* joined the meeting at ~8:00 pm ??

Regrets: None

The meeting was called to order at 7:05 PM.

1. Order / Content Of Agenda

Item 6 a) was moved to the start of the meeting.

6a) Cool North Shore Neighbourhood Program:

Jessica McIlroy, Program Mgr presented. The program is part of Cool North Shore Society.

http://www.fonvca.org/agendas/may2013/CoolNeighbourhoods_Overview.pdf

<http://coolneighbourhoods.org>

Objectives are to improve sustainability and resiliency of communities and to reduce the carbon footprint of home energy consumption. The program promotes using neighbourhood social get-togethers, providing advice from energy experts / in-depth home energy information, and finding other ways to build sustainability into neighbourhoods. Funding is provided by Eco Action (Environment Canada), Real Estate Board of Vancouver, and BC Hydro (for 8 summer staff doing audits). The program can send information through C.A. events and newsletters. Cost of a typical home assessment: \$125 (however those done by DNV Fire Department during fall/winter are free.)

2. Adoption of April 2013 Minutes

Moved (Eric) to adopt April 17, 2013 minutes as circulated. Carried unanimously.

3. Round Table on “Current Affairs”

EUCCA – Corrie advised that after meetings with the proponents for the Edgemont Senior Living, to be built on 6 residential lots adjacent to Edgemont Village, the Working Group, formed by EUCCA, issued both majority and minority reports on the 129-unit residential development proposal.

The provincial election all-candidates meeting, held at Highlands United Church, only about 100 attended, likely due to sunny weather. The moderator was Ann McMullin, past president of the Chamber of Commerce, and CEO of Urban Development Institute.

Blueridge – Eric advised about 200 had attended their all-candidates meeting.

June 9 is Good Neighbour Day in Blueridge; a newsletter has been distributed.

Capilano Gateway – Doug advised that bids for the upgrades proposed in the Fullerton Streetscapes Plan were said to have been inflated 50% as “the cost of doing business in DNV.” Discussion ensued as to comparing municipal cost estimates with contractor pricing.

Lions Gate Neighbourhood – Cathy advised that DNV had provided excellent response to a tree blow-down onto a house. Diana was similarly satisfied with DNV repair of a water leak at her property line.

Lynn Valley – Dan advised of forthcoming Lynn Valley Gala and Lynn Valley Day (May 24th & 25th).

Delbrook and Save Our Shores – Diana discussed lack of neighbourhood input into Advisory Design Panel deliberations.

Diana advised the Annual Waterfront Walk is on June 23rd at 9:30 am, with choice of free return either by bus or by 40-passenger water taxi from Gallant Ave. Park.

4. Old Business

4a) Community Association Task Group – Dan updated on recent deliberations and a cancelled meeting with a noted organizer. Teleconference instead on May 28th. John Hunter requested a clarification of the mandate, which Task Group members provided. Corrie made reference to Agenda Item 8.v (Slideshare.net resources). Some FoNVCA members present expressed concern over the lengthy time frame and broad mandate. Item was tabled.

5. Correspondence Issues

5a) Business arising – Corrie briefly mentioned three items.

5b) Non-Posted Letters – One such letter was not discussed and therefore left un-posted. Carried forward to next meeting.

6. New Business – See 1. above

7. Any Other Business

a) FONVCA Web Site Hosting – Renewal is not yet paid: an estimated \$400 is due Dec 15th.

ACTION: *Cathy will seek DNV pre-approval for payment from the Healthy Neighbourhoods Fund.*

8. For Your Information Items

– Corrie briefly mentioned six non-legal and three legal issues.

9. Chair and Date of Next Meeting

Wednesday June 19th 2013

Chair: Peter Thompson EUCCA, or alternate Eric Andersen, Blueridge C.A.

Notes: Sharlene Hertz, Delbrook C.A.

Meeting adjourned ~ 9:30pm

North Vancouver
Save Our Shores Society

Discovery Waterfront Walk

Sunday, June 23, 2013



The Discovery Waterfront Walk starts at Cates Park from 9:30 to 10:30 am, and ends in Deep Cove. To return, participants can enjoy the **FREE** boat ride on the **OCEAN WATCH** back to Cates Park until 2:30pm or return by walking or taking public transit. This moderate walk is approximately two hours long over beach, roads and trails. Please wear sturdy walking shoes and suitable clothing for weather conditions and don't forget your water.

Visit our web site: www.nv-saveourshores.ca

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NORTH VANCOUVER
DISTRICT

Subject: Home Values near Transit Outperform counterpart throughout recession / PrintFriendly.com

From: Douglas Curran <dougcurran@shaw.ca>

Date: 22/05/2013 3:29 PM

To: Corrie Kost <corrie@kost.ca>, FONVCA <fonvca@fonvca.org>

A good article for demonstrating the increased appeal and value to be obtained with better transit connection. See attached and here is a [link to the original](#).

Doug

Douglas Curran
2046 Curling Road
North Vancouver, B.C.
Canada V7P 1X4

Ph: 604-985-5621
www.dougcurranphotos.com

— Attachments: —

Home Values near Transit Outperform counterparts

130 KB

Home Values Near Transit Outperform

<http://urbanland.uli.org/Articles/2013/May/MooneyHomePrices>

May 23, 2013

Homes near public transit retained their value better during the recession than their counterparts in auto-dependent areas, according to a recent study. What's impressive is the extent of it: In five metropolitan areas—Boston, Chicago, Minneapolis-St. Paul, Phoenix, and San Francisco—residential property values performed 42 percent better on average if they were located near public transportation with frequent service.

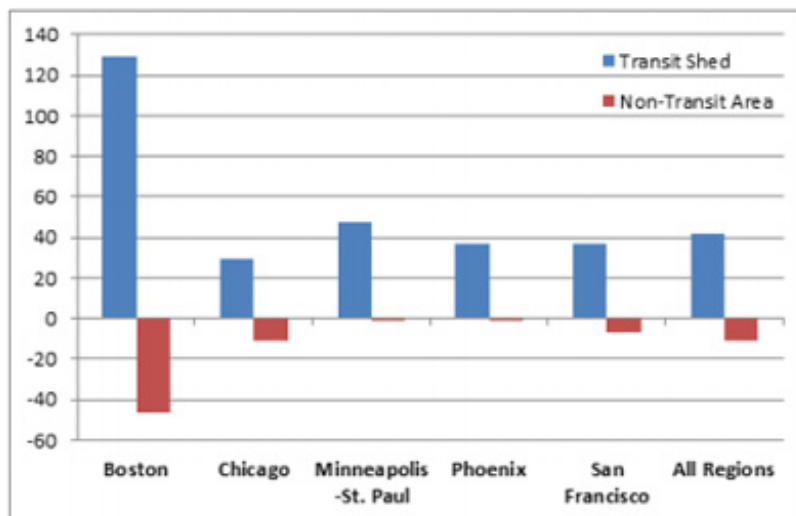


The study, *The New Real-Estate Mantra: Location Near Public Transportation*, was released by the American Public Transportation Association (APTA) and the National Association of Realtors. It measured home values between 2006 and 2011, a period when they declined substantially overall.

“When homes are located near public transportation, it is the equivalent of creating housing as desirable as beachfront property,” says Michael Melaniphy, APTA’s president and CEO. Neighborhoods with high-frequency public transportation, Melaniphy says, provide access to three to five times as many jobs per square mile as other areas in a region. Other benefits of living near good public transit: lower transportation costs, walkable neighborhoods, and a variety of transportation choices.

“This report puts some data and provides some case studies to demonstrate in concrete numbers what many of us believed to be true,” says Lynn Ross, executive director of the ULI Terwilliger Center for Housing.

FIGURE SUMMARY 1
Percent change in average residential sales prices relative to the region, 2006-11



The most dramatic example was in Boston, where residential property in the rapid transit area outperformed other properties in the region by 129 percent. In Minneapolis-St. Paul, the value of homes near public transit was 48 percent higher than for other homes; in San Francisco and Phoenix, 37 percent; and in Chicago, 30 percent.

The quality of transit also matters. Frequency is more important to residents than whether they take light rail, heavy rail, or bus, says Darnell Grisby, APTA's director of policy development and research.

The report focuses on high-frequency transit, which Grisby says is defined by each community. It means users do not have to worry about timetables but can simply walk to the station and wait a short time for a train or bus.

There were no consistent trends for home type in the different regions. For most property types, homes in the area near transit stations outperformed those in the region as a whole. In Boston and Chicago, that was true for all property types, but some increases in home values were particularly dramatic. For instance, in Boston, average sales prices of homes near rapid transit (heavy rail and light rail) increased 227 percent relative to the rest of the region. (That is partly because home values for Boston homes not near transit fell more than 40 percent, much more than for any of the other five regions.)

The difference is also greater in Boston because it has one of the highest levels of transit service in the study, says APTA's Grisby. "The more service you put on the streets, the more bang for your buck."

Disparities in home prices were much less pronounced in Phoenix, with its more limited transit offerings. There, 9 percent of workers living near transit commuted by transit, compared with 2 percent for the region as a whole. In Boston, 34 percent of workers living near transit commuted by transit versus 13 percent for the region.

One outlier was Phoenix: The value of single-family homes near transit fell 20 percent relative to the region as a whole. But condos near transit outperformed those in the entire region by 30 percent, and apartments near transit outperformed by more than 80 percent.

The study's findings are consistent with previous indicators, says Joe Molinaro, managing director of smart growth and housing opportunity at the National Association of Realtors. "There's an increased desire by people wanting to live in an area where they don't need a car for everything," says Molinaro. "It's not majorities, but it's enough to tip the scale."

Will the higher values of homes near public transit change when the housing market and the overall economy are stronger? Demographic trends will continue to support the study's findings, says Grisby.

"Millennials [those people born in the years spanning the early 1980s to the early 2000s] are choosing neighborhoods because of robust transit choices," he says. And many baby boomers, as they become empty nesters and start to retire, are downsizing their homes and saying they want to be close to amenities such as coffee shops and arts facilities.

It is an open question whether millennials will opt to move to bigger homes in more sprawling suburbs as they start to raise families, says ULI's Ross: "We're already seeing trends of both millennials and other generations showing a preference for compact places." Preliminary results from an APTA study show that millennials will want to continue living near transit once they have children.

The flip side of this reality is that higher home prices near transit make those homes less affordable. But Molinaro says that looking at the combined cost of housing and transportation gives a more realistic picture of overall costs. For instance, the study shows that Boston area households near rapid transit paid \$746 a month for transportation, compared with \$1,097 for

households in the rest of the region—a difference exceeding \$4,200 a year.

The desire to live in more walkable, accessible communities isn't just for urban areas. "We're going to see an increased demand in older suburbs," says Molinaro, because they are better served by transit than newer suburbs and are more walkable because of the layout of their streets.

Suburbs can also change their development pattern, and their property values, when a transit station is built nearby. That is the case in Tysons Corner, Virginia, where four stations on a new branch of D.C.'s Metrorail system will open next year. In the suburbs as in cities, "people are gravitating towards a pattern of mixed-use, walkable communities," Molinaro says.

Subject: Fwd: Lack of engagement in planning realities leads to misaimed thinking on motels and development / May 22nd letters to editor

From: Douglas Curran <dougcurran@shaw.ca>

Date: 28/05/2013 9:32 AM

To: Corrie Kost <corrie@kost.ca>, FONVCA <fonvca@fonvca.org>

Begin forwarded message:

From: Douglas Curran <dougcurran@shaw.ca>

Date: May 28, 2013 9:23:10 AM PDT (CA)

To: editor@nsnews.com

Subject: Lack of engagement in planning realities leads to misaimed thinking on motels and development / May 22nd letters to editor

Dear Editor,

Rob Brennar's May 22nd letter regarding the future of budget motels in Lower Capilano contains numerous errors of fact and logic, that if followed, might entice others onto the same rocky path of faulty logic and misdirection.

The Village Centre in this community began as a DNV planning strategy under the 2030 Official Community Plan, to create a series of hubs that provide improved transit, local services and housing options to serve a wider demographic than the current dominance of single family homes across the DNV. Larco Investments did not initiate the Village Centre concept, and held back their own plan for several years, until the completion of the OCP public process and the unanimous support of DNV Council to the adoption of the district-wide 20 year plan.

Larco is only one property owner among the more than dozen separate properties and business within the "core" Village Centre. Their plans extend only to their own property. Mr. Brennar seems to be uninformed of the extensive public and community planning process involved in creating the local plan. He appears to be equally uninformed regarding the more than \$15 million of community amenities arising from Larco's Capwest development - including a 24,000 sq. ft of community centre, 7,800 sq. ft public plaza, not to mention seniors rental housing and street improvements - all obtained at no cost to the DNV taxpayers. How is that for supporting the middle class?

We all want to have the best available at a modest price, but Mr. Brennar ignores the reality of the age of the motel facilities, coupled with high maintenance costs and the fact that they do not meet the standards of the franchise operations that most of them depend on to fill the majority of their room bookings.

While defending the need for budget motels to service his friends and family, and questioning "who is the judge that these are rundown?", the answer is simple: it is the same public who votes with their dollars and their feet. It doesn't take too long to forecast a few years hence when too few of Mr. Brennar's friends and family visit or choose other venues (albeit more costly) at which to bunk up.

What is actually "hypocritical and short-sighted", is to demand business owners maintain facilities experiencing year over year declines in revenue, while ordering they remain forever unchanged in order to service one's own friends and family at a comfortable price, all the while failing to assume the financial risk one demands of others.

sincerely, Doug Curran

Douglas Curran
2046 Curling Road
North Vancouver, B.C.
Canada V7P 1X4

Ph: 604-985-5621
www.dougcurranphotos.com

Subject: Fwd: Lynn Valley doesn't fit
From: Brian Platts <bplatts@shaw.ca>
Date: 30/05/2013 3:51 PM
To: Corrie Kost <corrie@kost.ca>

----- Original Message -----

Subject: Lynn Valley doesn't fit
Date: Thu, 30 May 2013 15:44:09 -0700
From: Wendy Qureshi <wendyqureshi@shaw.ca>
To: fonvca@fonvca.org

The "proposed" redevelopment of Lynn Valley is not in alignment with the Regional Growth Strategy to encourage density along major transit lines.

Lynn Valley is not on a major traffic corridor--quite the opposite, there is no transit service on Sundays after 6:30. Nobody drives through Lynn Valley by car unless they want this to be their destination.

Developing this area to the extent Bosa and Safeway are proposing is not in keeping with what we Lynn Valleyites hold so dear. Every municipality in Metro Vancouver does not have to follow the Regional Growth Strategy. We want to keep the character of our community. We are the voters and the citizens who live here now and our voices need to be heard.

The people of Lynn Valley do not want highrises and we do not want thousands more people coming in and out of our community on an already congested road system with inadequate public transportation.

Wendy Qureshi
North Vancouver
604-980-1885

Subject: Fwd: Canada's Energy Future featuring Preston Manning and Jeffrey Simpson - PICS Free Public Event on June 12, 2013 from 5 to 7pm
From: Douglas Curran <dougcurran@shaw.ca>
Date: 30/05/2013 11:00 AM
To: Corrie Kost <kost@triumf.ca>, FONVCA <fonvca@fonvca.org>

Begin forwarded message:

From: "Muir-Owen, Sara" <sara.muir-owen@ubc.ca>
Date: May 30, 2013 10:53:45 AM PDT (CA)
To: "Muir-Owen, Sara" <sara.muir-owen@ubc.ca>
Subject: Canada's Energy Future featuring Preston Manning and Jeffrey Simpson - PICS Free Public Event on June 12, 2013 from 5 to 7pm

Please join us to discuss:

Canada's Energy Future

Wednesday, June 12, 2013, 5:00 to 7:00 pm | Room 3200 - Goldcorp Centre for the Arts | 149 West Hastings Street, Vancouver

How do we fulfill our energy demands for the next 50 years while meeting the climate change challenge? What is the cross-partisan common ground? Join us for a lively discussion on **Canada's Energy Future**.

Our guest speakers, Preston Manning and Jeffrey Simpson will give a **free public lecture** on the topic and share their perspectives. The event will be moderated by Tom Pedersen, PICS Executive Director.

Register: www.picspublicforum2013.eventbrite.ca (Free event) **Live Webcast:** www.pics.uvic.ca/events/live-webcast

Hope you are able to attend. Sorry for any cross-postings.

Best,

Sara

Sara Muir-Owen MCIP, MLArch

UBC Program Coordinator

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www.pics.uvic.ca | www.sustain.ubc.ca/pics

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Pacific Institute
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Knowledge. Insight. Action.

Canada's Energy Future

Wednesday, June 12, 2013, 5:00 to 7:00 pm | Room 3200 - Goldcorp Centre for the Arts | 149 West Hastings Street, Vancouver

How do we fulfill our energy demands for the next 50 years while meeting the climate change challenge? What is the cross-partisan common ground?

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Register: www.picspublicforum2013.eventbrite.ca (Free event)

Live Webcast: www.pics.uvic.ca/events/live-webcast



The former federal Leader of the Opposition, the **Honorable Preston Manning** is currently a Senior Fellow of the Fraser Institute and President and CEO of the Manning Centre for Building Democracy.

The Manning Centre is a national not-for-profit organization designed to equip the next generation of conservative political leaders with the ideas, skills and networks necessary to best serve Canadians.

As The Globe & Mail's national affairs columnist since 1984, **Jeffrey Simpson** is one of Canada's pre-eminent observers of domestic and international issues. An award winning writer, Mr. Simpson has lectured extensively at universities around Canada and the world. He has published eight books, including "Hot Air: Meeting Canada's Climate Change Challenge", published in 2007.



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THE UNIVERSITY OF BRITISH COLUMBIA



Subject: Fwd: New Fencing along Second Narrows Bridge

From: Brian Platts <bplatts@shaw.ca>

Date: 03/06/2013 12:20 PM

To: Corrie Kost <corrie@kost.ca>

----- Original Message -----

Subject: New Fencing along Second Narrows Bridge

Date: Mon, 3 Jun 2013 08:11:10 -0700

From: John Hunter <hunterjohn@telus.net>

To: 'David Stuart' <StuartD@dnv.org>, 'Councillor Alan Nixon DNV' <anixon@dnv.org>, Councillor Doug Mackay-Dunn <dmackay-dunn@dnv.org>, Councillor Mike Little <mlittle@dnv.org>, Councillor Robin Hicks <rhicks@dnv.org>, Councillor Roger Bassam <rbassam@dnv.org>, 'Councilor Lisa Muri DNV' <lmuri@dnv.org>, Mayor Richard Walton <rwalton@dnv.org>

CC: Mayor Darrell Mussatto CNV <dmussatto@cnv.org>, FONVCA <fonvca@fonvca.org>

Hi all

I understand some sort of anti-suicide barrier will be erected along the Second Narrows bridge. A section of it – perhaps a test section – is already installed along the north end – east side of the bridge and has been there for some time.

It's ugly – it spoils the view, being standard chain link fence, and the framing (poles) are all rusted and hence double ugly.

If this must be done, I trust they will take steps to avoid the rust issue, and perhaps instead of standard chain link fence there is some option with larger holes for viewing the harbour.

Regards

John Hunter

FONVCA AGENDA ITEM 6(b)

2 longboarders hurt in West Vancouver crash

West Van police plead for road sense after 2nd crash in 3 days

BY BRENT RICHTER, NORTH SHORE NEWS JUNE 7, 2013



West Vancouver police are urging caution after four longboarders have been hospitalized after serious crashes into vehicles in the last two weeks.

Photograph by: file photo, North Shore News

WEST Vancouver police are issuing a plea to longboarders to think about their safety after four of them have been rushed to hospital in the last two weeks.

Two riders were injured, one of them seriously, Wednesday afternoon when they skidded off the road

into a parked truck on the 1300-block of Cambridge Road in the British Properties area.

Investigators say the two were headed downhill when they swerved to avoid an oncoming vehicle, which was lawfully proceeding in the right lane.

A 23-year-old Surrey resident was released Wednesday night after being treated for cuts and bruises, but a 20-year-old North Vancouver man wasn't so lucky.

"(He) was face-first skidding and had head contact with the front wheel of the truck," said Const. Jeff Palmer, West Vancouver Police Department spokesman.

He was expected to be released Thursday but suffered a head injury and small compression fracture in one neck vertebrae.

Just three days earlier, a 19-year-old wound up under an SUV at the intersection of 13th Street and Esquimalt Avenue.

"Fortunately he just had some laceration injuries," Palmer said. "That was an extremely close call."

A 17-year-old Rockridge secondary student remains in intensive care after a severe head injury he received on May 24 when he crashed into a van being driven by a friend on Isleview Road.

"It is a banned activity on public streets and (we're) pleading with longboarders to really, really think carefully," said Palmer.

"Yes, we have a \$45-bylaw ticket we can hit you with, but that really can't be the biggest concern for you. The biggest concern has to be that a couple inches one way or the other when you're in a collision with a vehicle can have completely life-altering consequences."

The District of North Vancouver has faced numerous recent requests to ban the sport outright but has stopped short, opting to only issue fines to riders caught on Skyline Drive, but district Mayor Richard Walton said it will be up to the longboarders to prove they can safely share the roads.

Lower Mainland long-boarders have been reacting to the trend of nasty crashes on a Vancouver Longboarding Facebook group, many of them chastising riders who don't ride safely and create a bad name for the sport while the rest strive keep it legal.

"This summer will be our last chance to prove that the city can accommodate us, we aren't going to get a million chances to figure out a way to make our sport safe. Ride safely, stay in your lane and be as polite as possible to residents," said Aidan Polglase.

Another warned that incidents like the ones in the last two weeks will hurt the group as a whole.

Laine Jackart posted: "This will be used as evidence as to why there should be a blanket ban in North Vancouver. These accidents don't only affect the riders, they slowly pick apart the entire scene and all of its supporters. Several people have goofed it for everyone, but that's how it usually happens anyways."

brichter@nsnews.com

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Boarder line

NORTH SHORE NEWS JUNE 9, 2013

FOR the third time in two weeks, we bring you a story about serious injuries sustained by longboarders colliding with vehicles - all of them in West Vancouver where the activity is banned, without exception.

West Vancouver police can issue a \$45-fine, or chase the riders off to another hill in the District of North Vancouver where it's still legal, at least for now.

As evidenced by a look over their Vancouver Longboarders Facebook page, the majority of riders are deeply concerned about safety. They worry about their own and look out for each other. However, there are a handful that appear committed to marrying the daredevil sport with a rebellious attitude.

The District of North Vancouver, meanwhile, is likely taking notes as it takes a "wait and see" approach to whether it should ban the boards as well. Residents who want to see longboards piled up in bonfires most assuredly are.

The longboarding question requires a co-ordinated and nuanced approach that involves all three North Shore governments, and the longboarding community, not a fractured patchwork of bans and free-for-alls. Unlike most recreationists, longboarders lack an organized user group and leadership that can help them keep their sport safe and legal. That needs to change.

It's an inherently risky sport, for sure. That's part of what attracts people to it. So was skiing, once. But it is better to manage risk than to delude yourself into thinking you can legislate it away.

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Crash hospitalizes longboarder

BY JEREMY SHEPHERD, NORTH SHORE NEWS MAY 29, 2013

A 17-year-old West Vancouver longboarder is in intensive care after sustaining critical head injuries in a collision with a passenger van driven by a friend Friday evening.

Three 17-year-old Rockridge secondary students were boarding near the 6900-block of Islevue Road, a curving dead end hill just north of Whytecliff Park at about 6 p.m. when the collision occurred.

The two other boarders stayed at the scene while emergency crews arrived and rushed the injured teen to hospital. Both Rockridge secondary students are co-operating fully while police investigate the cause of the crash.

Longboarding is prohibited in the District of West Vancouver and boarders are subject to \$45 fines. West Vancouver police have received 67 complaints about longboarding so far this year.

"The bylaw prohibition exists because there are clearly known risks associated with being on a longboard on a public roadway. Those risks exist whether you know who's operating the other vehicle or not," said West Vancouver Police Department Const. Jeff Palmer.

"There are already known and well-defined risks any time you're in a roadway . . . if you're the smallest and least protected moving vehicle on that roadway, the risks rise dramatically.

"Our focus right now is, as with the family, is on the wellbeing of this young guy," Palmer said.

Counsellors have been sent to Rockridge to help the boarder's fellow students deal with the trauma raised by the incident.

Police have ruled out alcohol as a factor in the crash, but could not say whether or not the injured boarder was wearing a helmet.

"Longboarding protective equipment is essentially, as I understand it, designed to protect you from a fall," Palmer said. "Its limitations would, I suspect, be reached in a collision with a vehicle."

The crash could have been avoided by longboarding in a controlled environment, according to Les Robertson, marketing manager for Rayne Longboards.

"There was a sanctioned event over the weekend in Britannia Beach where they could have ridden for two days," he said, adding that medics were on hand and boarders were not required to race at the event.

As a proponent of community outreach and education to help make the burgeoning sport safer, Robertson said the collision underlines the difficulty in bringing North Shore longboarders into a cohesive community.

"We're doing outreach as best we can as a brand and going to events and engaging longboarders but the problem still persists . . . a longboarder that we can reach and talk to, is generally not the issue. It's the fringe areas," he said.

"It's especially the ones that are younger or just getting into longboarding that we haven't been able to reach with our community and to help teach."

The sport has been under close scrutiny since 2010, when longboarder Glenna Evans died after colliding with a van on Mount Seymour Road.

The District of North Vancouver dealt with a rising tide of opposition to the sport by raising fines and banning longboarders from Skyline Drive, known as one of the district's boarding hot spots.

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Long and short of a risky sport

BY JESSICA BARRETT, VANCOUVER SUN; WITH FILES FROM MIKE HAGER JUNE 11, 2013 5:52 PM



THRILLS AND SPILLS



Graham Collingwood, who is sponsored by Landyachtz and also works for the company, demonstrates the hands down slide using slide gloves in Vancouver. In Maple Ridge on Sa collided with a car while longboarding.

Photograph by: Stuart Davis, PNG, Vancouver Sun; With files from Mike Hager

The origins of longboarding are a bit hard to pin down.

No one person lays claim to fashioning the first prototype, but most sources agree the longboard was born, along with its better-known cousin, the skateboard, in Hawaii circa 1959.

Back then, surfers looking to keep riding when the waves were poor affixed roller skate "trucks," or wheel-bearings, to their wooden decks to create "sidewalk surfboards," according to Internet lore.

Skateboarding won mainstream attention when it migrated to the mainland, first to California in the 1960s and later up the coast. But lesser-known longboards also made the journey. They too gained momentum in underground scenes before hitting the mainstream in recent years - a late-bloomer that is finally having its day.

Unlike the rudimentary boards once geared for flat terrain with limited mileage achievable on rickety wheels, today's longboards are engineered for speed and common fixtures on the steep slopes around Metro Vancouver - particularly on the North Shore.

"You can compare it to snowboarding, it gives you a lot of adrenalin," explains a 14-year-old boy, part of a crew of longboarding aficionados at West Vancouver secondary, where most kids ride - or aspire to ride - the hills in the nearby British Properties.

Like snowboarding during its infancy, the sport has raised the hackles of city and safety officials - in fact it is banned on West Vancouver streets - and the reasoning goes beyond fear of the unknown due to the age difference between legislators and riders.

While some longboarders use them to cruise around town, other riders speed down roads built for motor vehicles. Longboarders' only brakes are their feet, hands and the ability to "slide" the board perpendicular to the road to stop it on its edge.

The consequences of rider error can be devastating, with five severe injuries in the last month in Metro Vancouver. The latest, on Saturday, left a 12-year-old Maple Ridge boy with a serious head injury.

British Columbians playing sports are about as likely to get injured on a skateboard - whether on long or regular-length boards - as they are playing hockey, according to 2001-2010 data from the B.C. Trauma Registry.

For the 14-year-old West Vancouver student, who says he and his friends take safety precautions and always stop at intersections, the risk is a measured one.

"You always have to be aware. It's not like we're out there risking our lives. We want to longboard another day."

Whether kids should be encouraged to longboard at all is up for debate in West Vancouver and other municipalities where injuries have occurred.

For West Van secondary teacher Bruce Holmes, education on safety practices is the only logical way to help mitigate the risk of a sport he feels is here to stay.

"I'm a teacher with 29 years, I know these kids inside and out," Holmes said.

In light of the recent injuries - one involving a student at another West Vancouver high school who collided with a van - Holmes had aimed to deter impending tragedy by organizing a safety demonstration with pro longboarders at his school. The event, scheduled for today, was to feature riders from Landyachtz Longboards, a Vancouver-based company founded by a West Van alumnus who was one of Holmes's former students.

The session was cancelled by Chris Kennedy, West Vancouver's superintendent of schools, late Monday evening.

With the student who hit the van still in intensive care, Kennedy said he felt it is more important to work with the authorities to raise concerns over the dangers of the illegal sport than teach riders about safety.

"Our first message should be right now that there's real concerns about longboarding, especially from what we've seen just the last couple weeks," he said. "I have a son who has a long-board and I knew nothing really about it until that incident three weeks ago."

He said he can see the district's schools "very thoughtfully" teaching kids about both the dangers and safety requirements of longboarding in the future, like they have done with backcountry skiing and snowboard helmet use in the past.

But Holmes contends there's no time to wait. Kids are riding in the municipality, regardless of the bylaw.

"We haven't had anybody in our school get hurt yet, but it's coming," he said. Several of his students have made their own boards in his shop class.

In addition to safety instructions, Holmes would like to see the municipality work with longboarders to give them a safe course to ride away from traffic, along the lines of mountain-bike courses that have been built on local mountains.

And while longboarding is banned on West Vancouver streets, new boarders like West Van secondary student Ethan Fong, also 14, find the cops they encounter would rather give them a safety lesson than a ticket.

West Vancouver Police spokesman Const. Jeff Palmer said police and bylaw officers can fine any rider \$45 for ripping down the city's streets and also give out an identical penalty for infractions like not wearing a helmet.

While bylaw officers often find it quite hard to ticket the longboard-ers - who sometimes run away or become confrontational - police have more discretion when they encounter boarders breaking the bylaw, Palmer said.

"The bylaw ticket's an option, but a longboarder understanding that they're at extreme risk is the best

solution - because we're not going to be everywhere on every sloped street in the district," Palmer said.

All but two of North Vancouver District's sloped streets are technically open to boarders. A partial ban was implemented last summer after a resident hit a boarder with his truck and started a petition. The City of North Vancouver allows longboarding on its streets, but has outlawed it in just over a dozen areas.

Banning the sport isn't something Maple Ridge Mayor Ernie Daykin sees as a suitable response to Saturday's accident. The boy, by far the youngest victim of recent longboarding accidents, was riding on his stomach, something safety proponents vehemently discourage.

While personally shaken by the accident as a father and grandfather, Daykin said it's important not to make policy decisions based on an emotional response and committed to waiting for results of a police investigation before pondering the possibility of a bylaw.

"We want to make our decisions based on facts and the situation."

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Ethan Fong, left, Jordan Stuit and a friend, Grade 9 students at West Van secondary school, all 14, speak about their experiences longboarding on the streets of West Vancouver.

Photograph by: Stuart Davis, PNG, Vancouver Sun; With files from Mike Hager



Longboarding on roads is an accident waiting to happen

BY MICHAEL STICHNOTH, NORTH SHORE NEWS MAY 29, 2013

Dear Editor:

I can tell that summer is close by because the issues around skateboarding and longboarding are in the North Shore News again. I do not understand parents who encourage their children that they can do anything they want, even the obviously risky activities. How often do we hear, after a young person was killed through risky behaviour, "Well, he died doing what he loved." Was that activity really worth it to give your life? As a consequence maybe the motorist gets the blame in a collision, "because he failed to stop."

In my opinion, longboarding is a recreational activity that has no place on public roads. I don't understand parents who allow their children to use our streets and roads for their playground. I understand completely why our municipal leaders have a hard time making a fair decision about this special interest group of people. I agree with Mayor Richard Walton, that they should form a club like the mountain bikers, and then build their own longboarding facilities - not supported by tax dollars, but perhaps by sponsors.

There is a reason that we have rules of the road which are governed by regulations of the Motor Vehicle Act and ICBC. This brings up the question of legal responsibilities and insurance. The longboarder community should not expect me to pay for this activity through my ICBC premiums, in case of an accident.

The reason we have an age limit for driving is not for the skill of driving a car, but for reaching a certain level of maturity. I question the maturity level of those longboarders who come "schussing" down my road, usually taking possession of both lanes, especially when they are in groups of four or more. When a longboarder rides downhill he/she controls the speed by weaving sideways, back and forth, all over the lane. If I am driving uphill in the opposite lane, and the boarder hits a groove in the road and ends up under my car before I can stop, I would feel terrible about it.

Michael Stichnoth, North Vancouver

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Pair of longboarders sent to hospital after collision with parked truck in West Van



By North Shore Outlook

Published: **June 06, 2013 09:00 AM**

Updated: **June 06, 2013 12:2112 PM**

Two young longboarders were injured Wednesday in West Van after colliding with a parked truck.

Police say the investigation is still in the early stages but it appears the two longboarders were riding down the 1300-block of Cambridge Road in the British Properties when they swerved to avoid an oncoming vehicle and hit the truck.

The accident occurred around 3 p.m. and the two males, 21 and 23 years of age, were rushed to hospital.

WVPD Const. Jeff Palmer released an injury update on the boarders at 6:30 p.m. Wednesday saying "one of two longboarders injured is being treated for lacerations and abrasions and is likely to be released from hospital this evening. The second longboarder is being treated for head and neck injuries and will remain in hospital for further assessment and treatment."

Police say the driver of the vehicle who was proceeding up the hill remained on scene and is cooperating with police on the investigation.

"Investigators say it appears the approaching vehicle was proceeding lawfully in its driving lane and swerved to the shoulder upon seeing the longboarders. There is no indication of any contact between the approaching vehicle and the longboarders.

More to follow.

Find this article at:

<http://www.northshoreoutlook.com/news/210419791.html>

Roads are for all, including longboarders

BY CHRIS KAUTZKY, NORTH SHORE NEWS MAY 15, 2013

Dear Editor:

Regarding your Sunday story DNV Gives Longboarders a Break: I am a district resident and my son is an avid longboarder, directly affected by the ongoing debate over longboarding. Longboarding is his passion. Through it, he has made many friends and connected with other longboarders around the city to trade parts, boards and stories.

It seems there is a general attitude that longboarding is dangerous, that boarders are reckless and that the roads "are meant for cars." My son has repeatedly had the police called to intervene, and has been stopped by the bylaw officers many times. To date, he hasn't been charged nor received a bylaw fine - he and his friends make an effort to obey the rules and skate safely, but I'm sure they aren't perfect.

My son has also had several residents yell at him and some drive their cars in a menacing way. As a road cyclist myself, my experience is very similar to his. I've had my share of drivers narrowly miss me, yell at me to get out of the way and, worse, intentionally swerve into my path or slam on their brakes to communicate their anger.

Mayor Richard Walton implies the solution is for longboarders to organize like the mountain bikers. I disagree. What exactly would the longboarders organize: taking over certain streets for certain hours; conducting street maintenance or enforcing some kind of longboarder code of conduct? The analogy has a simplistic appeal, but it isn't well thought out.

The resolution to this situation isn't to banish longboarders from the streets. Some rules for the longboarders are required - like wearing helmets and having a respect for other road users. But the real answer lies with all of us - we need to accommodate longboarders, just like we do all other users of the road. That means slowing down when encountering a boarder, or if you're on a street which has lots of boarders, possessing an awareness of where they are or might be.

Ultimately, the attitude that the road is just for cars needs to disappear. Our community needs to make sure the roads, and its users, consider everyone's needs.

Chris Kautzky North Vancouver

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Share the road, rebuild community

BY JOANNE MCNEIL-LEITCH, NORTH SHORE NEWS JUNE 5, 2013

Dear Editor:

I am writing to applaud Chris Kautzky's insightful letter Roads Are for All, Including Longboarders, North Shore News, May 15.

The experience of longboarders, cyclists and pedestrians who face bullying by automobile drivers is too frequent a reality on the North Shore.

Last week our son had an incident while longboarding in North Vancouver whereby a driver of a vehicle in one of the more reactive neighbourhoods went out of his way to follow our son, cut off his path by slamming on his brakes and then threatened his intent to hit our son with his vehicle and then sue him for damages.

Vehicle ownership and "driving everywhere" has become a disturbing hallmark of post-war North American culture that has instilled a deep sense of entitlement at best and homicidal rage at worst for many who sit behind the wheel. Not to mention the environmental and economic damage that is an undisputable reality for our planet.

For many, using mass transit is seen as being for children too young to drive, seniors who have lost the privilege of a driving licence or for those too poor to own car.

Riding a bicycle is seen by many as a way for children and youth to get around or a recreational pursuit subservient to and posing a nuisance to the automobile.

Longboarding is very often viewed as aberrant behaviour and in a suburban neighbourhood immediately elicits suspicion and disdain. The larger glaring issue to me is the isolation of individuals and lack of community in our automobile-obsessed culture.

The "longboarding menace" on the North Shore is your child, your grandchild, your friend's child, your neighbour, your student, your fellow human being and citizen.

Share the road and you do more than save lives, you start to rebuild a fragmented community.

Joanne McNeil-Leitch North Vancouver

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» EDITORIAL

Warning for longboarders

Last week, West Van police issued an urgent safety message for speed-seeking longboarders: “It’s your body versus thousands of pounds of metal and plastic.”

It’s a message worth repeating.

The warning to “carefully consider personal safety” came after yet another crash involving longboarders in recent weeks. This time a pair of longboarders were injured after colliding with a parked truck in the British Properties.

The latest North Shore accident comes less than two weeks after a 17-year-old boarder suffered a severe head injury after being involved in a collision near Horseshoe Bay. Last week a 19-year-old male collided with a vehicle at 13th Street and Esquimalt Avenue and was fortunate to escape with only facial cuts.

Accidents aren’t just happening on the steep streets of the North Shore. On Saturday a 12-year-old boarder in Maple Ridge was seriously injured. Longboarding accidents also happened in Victoria and the Sunshine Coast last week.

Longboarding is prohibited on some North Van streets and all public streets in West Van and carries a \$45 fine — but as Const. Jeff Palmer reminded riders in a WVPD release issued last week, the “West Vancouver Police believe the risks of personal injury or worse should outweigh any consideration of a bylaw ticket or enforcement consequence.”

As Palmer notes, the safety equipment for longboarding is primarily designed to protect riders from spills and “will offer very limited protection against injury resulting from collisions with much larger motor vehicles.

“Public streets are a space shared by many types of vehicles and longboarders are among the smallest and most vulnerable in that space. West Vancouver police urge longboard riders to seek out organized events on road surfaces that are not open to public use to more effectively manage the risks of the sport.”

—*The Outlook*

Background on the Land Trust Partnership Proposal

The Community Housing Land Trust Foundation

The Land Trust is a non-profit society and registered charity. Its only purpose is to develop and preserve affordable housing. Whatever assets and surpluses it has or generates can only be used for that purpose. It is a dedicated and secure steward of its own and the public's assets and therefore the ideal partner in this kind of venture, which involves a contribution in land from the City.

Legal Structure

The Community Housing Land Trust Foundation will enter into 99-year leases with the City on the four sites. These leases will be at a nominal pre-paid rent – essentially free – and will come with obligations regarding affordability and asset management, and reporting to the City. The Land Trust will then pass those obligations on to the non-profit and co-op partners via a lease of 99-years less a day. The Land Trust will report on the obligations to the City, reducing the administrative burden on taxpayers.

Land Trust Partners

The partners assembled under the Land Trust umbrella to work on this project represent a highly qualified and experienced team capable of bringing a project this ambitious to fruition. On their own they have designed built, financed and managed tens of thousands of market and social housing units:

- Co-operative Housing Federation of BC
- Housing Foundation of BC
- Sanford Housing Society
- Social Purpose Development Partners – (a partnership of Co-operative Housing Federation of BC, Terra Housing Consultants and Vancity Community Foundation)
- Terra Housing Consultants
- Tikva Housing Society
- Vancity

Financing and Affordability

On the capital side, the City's investment of free land goes a long way to providing affordability, of course, but we bring equity and cross-subsidies between sites to enhance the effect of the free land. Between them, the non-profit and co-op partners are providing almost \$4M in equity to reduce debt-service costs. In addition, we plan to sell the leasehold interest in the at-grade Kingsway commercial space and

allocate the proceeds between the Kingsway residential space and the two S.E. Marine Drive sites. Again, this reduces debt service and improves affordability.

We have also attempted to use the differing attractiveness of the residential sites to improve overall affordability. The East Kent Ave waterside site is scenic waterfront and our plan takes advantage of that. Given free land, we can charge rents close to market but still within the City's task force income levels (one of our major objectives for all the units) and reap a considerable annual operating surplus, which is transferred, via the Land Trust, to the other sites to enhance affordability.

The Four Sites

- **1700 Kingsway** (includes commercial space at ground level) – 48 one-bedroom units to be operated by Sanford Housing Society for individuals with a mental illness.
- **2780 SE Marine Drive** – will be operated by the Housing Foundation of BC (114 one bedroom units of 50+ housing) and Tikva Housing Society (16 three-bedroom units for low-income families).
- **2800 SE Marine Drive** – will be operated by the Fraserview Housing Co-operative (79 one, two, and three-bedroom units for low-income families) and Tikva Housing Society (16 three bedroom units for low-income families).
- **2910 Kent Avenue South** (82 three-bedroom units for middle-income families) by the Fraserview Housing Co-op.

The Portfolio Approach

The free land is vital, but how it is used matters too. We believe the portfolio approach confers considerable benefit. The simplicity of the single relationship for the City improves administrative efficiency and so affordability. The ability to transfer capital and operating resources between the various partners and sites and to target different demographics and income-levels (but always within the Task Force limits) gives our proposal a flexibility that would be difficult to match on a site-by-site approach.

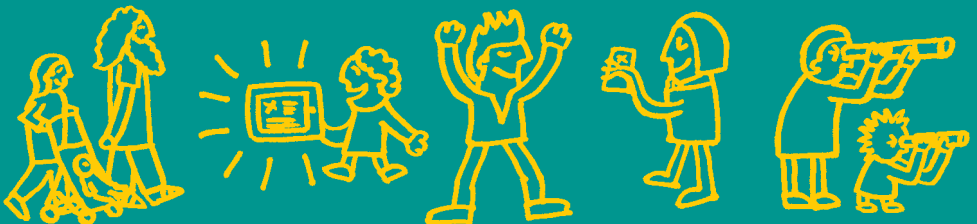
<http://vancouver.ca/files/cov/Engaged-City-Task-Force-Quick-Starts-Report.pdf>



VANCOUVER MAYOR'S ENGAGED CITY

Task Force

QUICK ⚡ STARTS





INTRODUCTION

We live in an incredible time for communication opportunities:

a period when a vast array of free and inexpensive tools enable people from all over the world to quickly connect to one another, share ideas and participate in discussions and debates on every topic under the sun. Smart phones, instant messaging, YouTube, Skype, Twitter, Facebook, Pinterest and many other social platforms have transformed how we communicate and interact with one another. Civic governments around the world are embracing new technology and using it to improve the way they engage with citizens.

It seems ironic that such communication technologies should coincide with the decline of civic engagement and increased feelings of isolation – trends that threaten the civic fabric of our city and undermine our work to build a more affordable, greener, and stronger Vancouver. Numerous studies have documented the general decline in civic participation: decreased voting rates, the decline in volunteering, the retreat from participation in community and neighbourhood life.



While some may feel that being engaged in one's community is a 'nice to have,' others would argue that engagement is critical to the success of any community. There is a growing recognition that the larger challenges of a community cannot be addressed if the residents who make up that community remain indifferent and detached. Engagement is a key ingredient to creating a vibrant, caring and resilient community in Vancouver, one that is strong enough to address the significant challenges and opportunities our city faces in the years ahead.

How does a retreat from civic involvement impact City Hall? For decades, the City of Vancouver has invited residents to provide input on various issues being tackled by City Council: budgets, new building developments, business licenses, community planning, to name a few. At one time, the City relied heavily on public meetings, often held at City Hall, which required people to physically attend an event to learn about an issue, discuss ideas and provide their feedback. Frequently, public consultations involved only those citizens with the time, energy, language skills and confidence to communicate directly to Council.

Citizen advisory groups began in the 1970s as a way to engage the community, and now have more than 300 members. Mail, phone and later email joined the list of methods that City Council used to gather feedback. Starting in the mid-1990s, web pages were created for specific projects to help keep the public informed. Recently, for the first time, Vancouver established positions within the civil service dedicated to enhancing public engagement and exploring innovative ways to open up public policy and planning debates to a greater number of residents.

In the last three to four years, the City of Vancouver has adopted new ways to broaden its conversations with the public. 3-1-1 provides a direct point of access for questions and concerns. Four new community plans in the Downtown Eastside, Marpole, the West End, and Grandview-Woodlands are all underway and will be completed this year. The City has had significant success employing new online technologies that invite a wide range of residents into critical discussions, as evidenced by the success of the **Talk Green To Us** campaign, which engaged over 30,000 people in the creation of the **Greenest City Action Plan**.



“Engagement is a **key ingredient to creating a vibrant, caring and resilient community in Vancouver, one that is strong enough to address the significant challenges and opportunities our city faces in the years ahead.”**

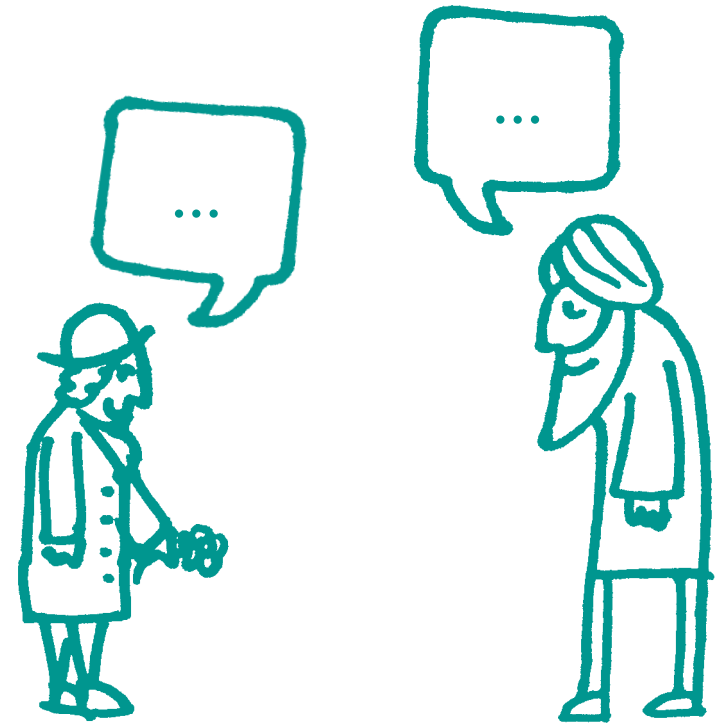


The decline in civic participation also poses a serious challenge for the health and well-being of Vancouver. This was underscored in 2012 when the Vancouver Foundation, Canada's largest community foundation, measured how connected and engaged people were in Metro Vancouver. The survey looked at the issue from three levels: people's friendships, their neighbourhood relationships, and their feelings and involvement in the larger community of Metro Vancouver.

vancouver foundation

The Foundation's study of over 3,800 residents (1,000 of whom were living in Vancouver) identified and quantified the areas and the people who were most detached and disengaged. In particular, the survey found that 25 to 34 years olds are the most disconnected and disengaged, along with people living in condos and high rises. The study also noted growing solitudes in our neighbourhoods. While relationships with neighbours are polite, they are generally 'shallow'. The survey suggested that few residents have done a favour for their neighbour, and few participate in neighbourhood improvement activities. As well, the survey found that the more languages spoken within a neighbourhood, the less people trusted each other and the less they bothered to do things to improve their neighbourhood.

These findings present some clear challenges. Vancouver is increasingly a community of many cultures and languages. We are a city that will need to build more affordable housing, particularly multi-unit dwellings, to ensure an adequate housing supply in the coming decades. We are an urban area that wants to attract and retain younger adults. We are a community that, like many other urban centres, faces some significant social and environmental challenges.



For the City of Vancouver, the Vancouver Foundation's findings were a call to action: an opportunity to explore new ways that a municipal government could play a greater role in creating a more engaged community.

What could a city government do to get more residents, particularly those aged 25 to 34, engaged in civic life and decision making?

How could the City enhance its use of social media tools for policy development?

How could a city government facilitate and strengthen relationships between and among neighbours of different cultures?

How could it improve signage and communications materials?

The first step towards answering those questions was the creation of an **Engaged City Task Force**, and with it, an interim report composed of Quick Start recommendations. We hope that City Council will embrace these recommendations and quickly move forward on a path to fostering a stronger, more engaged and connected city of neighbourhoods in Vancouver.



THE MAYOR'S ENGAGED CITY TASK FORCE:



On October 3, 2012 Vancouver City Council passed a motion to create the Mayor's Engaged City Task Force. The goal of the task force was:

“to examine innovative best practices for civic engagement, and seek to make progress on priority issues including improving the way the City communicates with citizens, engages immigrants and youth, consults on policy, increases voter turnout and enables community connection at a neighbourhood level.”

Residents of Vancouver were invited to apply and more than 100 applications were received. Particular attention was paid to recruiting individuals who represented the geographic areas of the city, had experience engaging individuals 25 to 34 years of age, and expertise in using social media for community engagement.

On December 5, 2012 Mayor Robertson announced the 22 members of the Task Force. The group represents a broad cross-section of ages, backgrounds and professions. What we have in common is knowledge, experience and commitment to community public engagement in Vancouver. Even with 22 members, we recognize it is not perfect and impossible to fully represent such a diverse city like Vancouver.

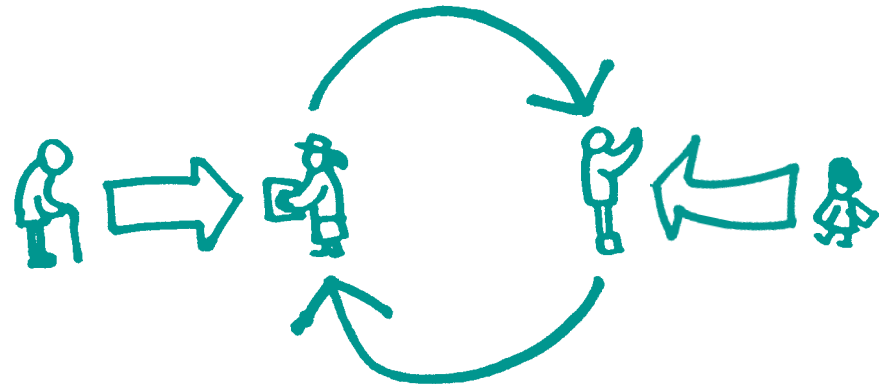


The first meeting of the task force was held January 17, 2013. Over the next couple of months, members broke into groups to generate ideas in three key areas:

1. *Improving civic government-to-resident and resident-to-civic government engagement.*



2. *Improving neighbour-to-neighbour relationships and engagement.*



3. *Communicating and engaging the community in the work of the Task Force.*




Is this the final report? No!

Like other Mayor's task forces before it, the Engaged City Task Force first concentrated on ideas that could be achieved in the short term — what have been dubbed 'Quick Starts'.

This first report is a short list of those recommendations we feel could be accomplished by the City within a six month time frame.

The Task Force will develop a final report, with a longer list of short and long-term recommendations, by the end of July. Over the coming weeks, we will be looking for ways to invite more people into the discussion of ideas.

QUICK

STARTS
(6 MONTH TIME FRAME)

The Quick Starts are broken down into four categories:

1. Engagement at a Neighbourhood Level

2. Improve Civic Education

3. Improve the Development Process

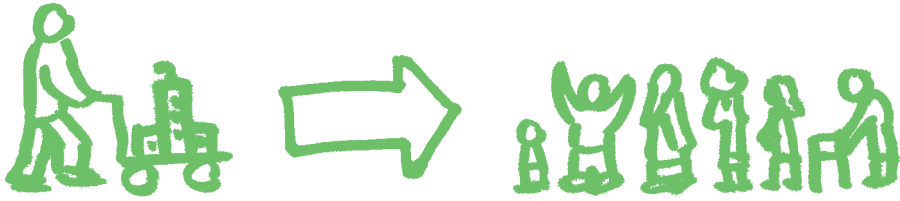
4. Social Media for Civic Engagement

QUICK ⚡ STARTS

1.
Engagement at a Neighbourhood Level



Bring City Hall to the Community



Many people are unable to access City Hall to use the services they want during the hours it is open, due to work or travel constraints. The City should develop a pilot program for a 'mini-City Hall' to have key city services available at select times in neighbourhoods, starting with those poorly served by transit access to City Hall. A mobile kiosk that visits different neighbourhoods could provide basic services that people need from City Hall, such as getting a new blue bin, paying a parking ticket, or registering to vote.

Declare a City-wide Neighbourhood Block Party Day



The underlying theme of a Neighbourhood Block Party Day should be to empower neighbourhoods to engage neighbours with one another. The City should build on the success and demand for Car Free Days in Vancouver by declaring a Neighbourhood Block Party Day, creating economies of scale for block parties to plan, access city services, and build public awareness. The Block Party Day should seek to go beyond just single-family neighbourhoods to areas with high-density rental and strata buildings, the residents of which were identified in research from the Vancouver Foundation as being the most likely to cite feeling isolated from their local community.

Neighbourhood Councillor Liaisons



The city-wide election process prevents residents from formally having an identified go-to councillor for issues in their neighbourhood. The City should reinvigorate the Council liaison positions by requiring each councillor to represent specific neighbourhoods in Vancouver, and working with local organizations to hold one public event in their designated neighbourhoods per year, with a focus on enhancing knowledge of city services and processes, and connecting people to City Hall. There may be an opportunity for these liaisons to work through the rotating mini-City Halls to create regular engagement with a particular neighbourhood.

Participatory Budgeting for Neighbourhoods



Other cities in North America, such as New York and Chicago, are moving towards mechanisms for residents to determine how money is spent in their neighbourhood. The City should set aside money in its capital budget for neighbourhood infrastructure to pilot a participatory budgeting program in select neighbourhoods. This could be a great way to engage people who do not normally get involved in city initiatives. Winning projects could be used for local priorities like park enhancements, new playground equipment, amenities for seniors, street upgrades or new green space.



Inspiring Leadership

PBNYC

In 2011, four New York City Council Members launched a participatory budget process – PBNYC – to let residents allocate part of their capital discretionary funds. This year, eight councillors are taking part, each putting up \$1 million in funds. Residents can submit ideas on projects to invest in, which will appear on a ballot open to district residents age 16 and older. The process starts with neighbourhood assemblies in the fall, who identify community needs and select delegates. Over the winter, the delegates meet to develop proposals, and then share them with the community through project expos to solicit feedback. The projects are revised and then put to a community vote in the spring.

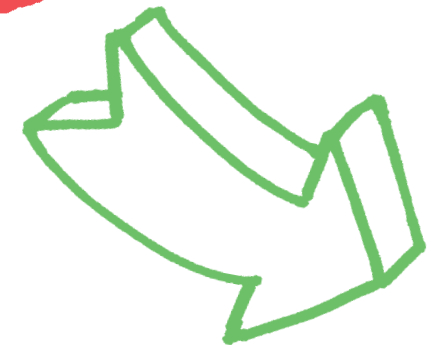
The PBNYC program engages a wide variety of resident groups, with over 20 represented on a city-wide steering committee that includes elected officials. Groups include the New York Immigration Coalition, New Yorkers for Parks, and the Pratt Center for Community Development, ensuring a diversity of viewpoints in the process.



QUICK ⚡ STARTS

2.

Improve Civic Education



Open the Doors to City Hall



City Hall is the people's building, and the City should hold opportunities for the public to visit different floors, explore different departments, and visit offices that they cannot normally access. An "Open Door" day in Vancouver could also include key pieces of city infrastructure such as the Southeast False Creek Neighbourhood Energy Utility, the Manitoba Works Yard, or police and fire facilities, to build awareness about the services people receive for their tax dollars. Open Door day should be free to the public and provide opportunities for venues in different neighbourhoods throughout Vancouver, for people of all ages to tour, ask questions, and gain a new understanding of how the city works. Efforts should be made to present some tours in languages other than English.

Make it Easy to Register to Vote



Voter turnout is low in Vancouver, with just 35% of eligible voters casting a ballot in 2011. In the 1960s, 70% of first-time young voters in Canada would vote in the first election they were eligible in. By 2004, this was down to 30%. We need to do better. The City should be doing everything it can to make it simple and easy to register and be informed. A permanent online voter registration and elections page should be available at all times on the City's website, not just in the lead-up to an election. People who register to vote in advance are much more likely to cast a vote than those who don't.

The webpage should include an opportunity to register online to vote, as well as information in different languages on how to do so by phone or email, timelines and requirements for registering to run for elected office, and details on what is needed to vote in terms of identification.

City Hall 101



Many city processes are confusing and opaque to members of the public. The City should provide information in an easy-to-read, easily accessible format on the website to explain the different ways the public can interact with the city, as well as explain specific programs and policies. Budget development, city service responsibilities, rezonings – all of these should be explained in a standing section on the City website.

Graphics and animations should be used to convey complicated information, such as the development process, and tap into the wealth of artistic and design talent in Vancouver to collaborate on new ways to convey basic civic information to people who want it.

City Hall Storytelling



Storytelling is a powerful way to engage people in discussions about how to improve their community, and can be effective in bringing together a diverse group of people. How many people in the public know the work by city staff that takes place behind the scenes? An event such as *Rain City Chronicles* would provide opportunities to hear personal stories about City Hall from staff, residents, business owners and others. This would foster better awareness about how the City operates. The event could also include residents, business owners and others who have stories to tell about their interactions with City Hall.

Inspiring Leadership

Doors Open

Doors Open is a successful concept used in cities around the world, and has been growing in popularity in Canada. The City of Calgary hosted *Doors Open YYC – DO YYC NAKED* from September 29 to 30, 2012. 35 sites participated, with the challenge to provide more than just free access, but a behind-the-scenes look at how some of the most popular and well-known venues operate, giving people the chance to not just look, but experience.

DO YYC NAKED said:

“Expect to see the heart of Calgary from the 1900s wrapped up in the Calgary of today. Expect to experience Calgary dance, music and theatre from the stage, not the seats. Expect to go behind the scenes in high-profile sports venues. Expect to learn the secrets and mechanics of how our city works. Expect to have access to private archives and collections. Expect to see sides of Calgary no one has seen before.”



QUICK ⚡ STARTS

3.

Improve the
Development
Process



Earlier Public Involvement in Major Rezoning Proposals



The City should request that developers who seek a major rezoning of a property hold a community open house prior to any design proposals being put forward. This would prevent a scenario where expensive building design renderings are completed and made public at an open house, creating a perception that little will change if people provide comments or concerns. These open houses should be held in the neighbourhood where the development would take place, and provide an opportunity for the developer to inform and educate local residents on what is possible to build on the site, and for the community to express any opinions early on.

Providing an earlier opportunity for public input prior to a major rezoning will strengthen public trust in the planning process, and allow for proponents to gain a better understanding of community concerns before a first design is put forward.

Enhanced Notice of Planning Changes



Providing an adequate period of time for the public to be notified of planning and development items on Council agendas is an important way to build greater understanding of public policy changes. Currently, council reports are posted 5 to 6 days in advance of meetings. The City should aim to increase this time, from a week and a half to two weeks. With more time to absorb the reports coming forward, there is a better opportunity for dialogue, feedback, and avoidance of misunderstanding, as well as bolstering the public hearing process, which already provides extensive time and notification for citizen feedback.

The Task Force recognizes that while some reports are straight forward and would not face barriers to being posted more than 5 to 6 days in advance, reports that require decisions within a certain timeframe may not be able to achieve the target.

Rethink Public Signs



It is time the City of Vancouver brought public signage into the 21st century. Too many of the notification signs, particularly related to planning and development, are written in outdated, technical language that makes it difficult for people to understand. These signs use small fonts, lack colour, and seem to encourage people to ignore them, rather than to read and be informed by them.

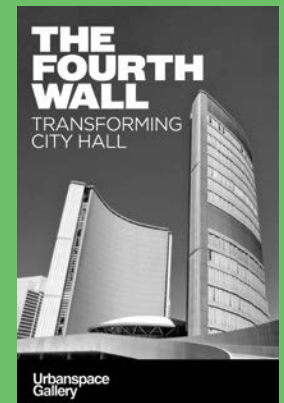
The City should engage the professional design community in a redesign contest for its development notification materials. The redesign contest should seek proposals for how City signs can be engaging and visually appealing when informing the public about development proposals.

Inspiring Leadership

The 4th Wall

In 2011, Toronto's Urbanspace Gallery commissioned Dave Meslin, a local public space activist, to develop an exhibit on how to create a culture of local citizen engagement. The result was *The Fourth Wall*; 36 recommendations for how the City of Toronto can improve civic engagement, spanning electoral reform to supporting neighbourhood groups.

The first recommendation – *Reaching Out* – asked the question 'could the city do a better job of sharing information and communicating with citizens?' The answer was a proposal to redesign public notification signs, resulting in posters that were colourful, creative, and simple to understand.

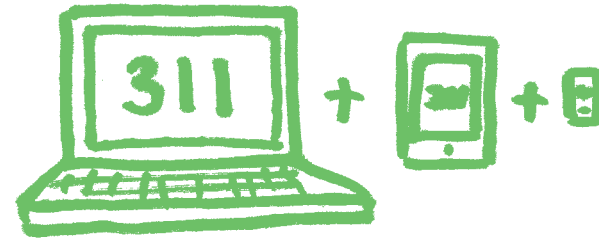


QUICK ⚡ STARTS



4. Social Media for Civic Engagement

Bring 3-1-1 Online



The City's information telephone number 3-1-1 is increasingly used by Vancouverites to provide feedback and seek info from City Hall. Providing an online 3-1-1 function, such as through Twitter, would enable it to reach a broader range of people, particularly a younger demographic who might be less likely to call but have no problem tweeting a quick question.



Crowdsourced Venue List



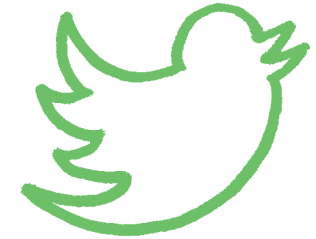
Have you ever wanted to host an event in your neighbourhood, but had no idea what venues were available to hold it in? Access to community venues is often restricted by a lack of knowledge of what exists, and one of the first and sometimes most difficult steps in bringing people together is finding a place to do it. This recommendation aims to support local residents in their efforts to organize community activities and events. A central list of venues that is created and updated online by community members is a way to support community-driven activities by providing reliable and easy-to-access information about the places in the city where people can come together.

Create and Promote an Engaged City Listserv



Currently, if you want to find out all of the different ways to get involved with the City, you need to keep tabs on a number of different departments: the City's Twitter feed, the Greenest City Facebook page, the Marpole community plan Twitter feed, or the Cultural Services newsletter, for example. The City should start an Engaged City Listserv to ensure that citizens who want to stay up to date on city events involving engagement, such as open houses and info sessions, receive the information regularly, and in one place, by email.

Create and Promote an Engaged City Twitter Handle



Soliciting feedback from the public will be important for the process of developing the final report from the Task Force. The Task Force looked at many ways to engage people on social media, and concluded that a 'keep it simple' approach was best for effective engagement. Launching an Engaged City Twitter handle for people to tweet ideas and feedback will be a simple way to crowdsource ideas for the final report, and build up an online community that can then be continued by City staff once the Task Force's work is complete.

Create and Promote an Online Engagement Panel



The City should take advantage of innovative new online engagement tools and launch an open, online community panel that enables citizens to engage regularly with the City to provide feedback on civic issues. Using interactive survey and dialogue tools to collect feedback, this panel – with membership in the thousands – would provide a new avenue for citizen input that builds on existing structures for engagement. The online panel would allow for more in-depth feedback and the ability to ensure that responses are demographically representative of Vancouver.

Inspiring Leadership

@NYCMayorsoffice

In October 2012, Hurricane Sandy devastated the eastern coast of the United States, leaving 7.5 million people without power over a two day period and \$30 billion in property damage. Social media proved to be a key component of how the City of New York communicated during the emergency, with New York Mayor Mike Bloomberg's office at the forefront of online engagement.

The City quickly published information on up-to-the minute flood predictions, as well as locations of emergency shelters and food distribution centres to its open data portal, enabling developers and designers to build emergency maps and applications. The City's main twitter channel, @NYCMayorsoffice, quickly became the go-to source for real time information, and in combination with a partnership with Twitter, which donated thousands of dollars worth of sponsored tweets, reached over a million more users and more than doubled its follower count over several days. The City sent more than 2,000 tweets and responded to over 300 questions during the Hurricane, and published news releases on Facebook and Tumblr in easy-to-read formats to reach an even larger audience during a natural disaster, keeping them informed on what the City was doing to respond.

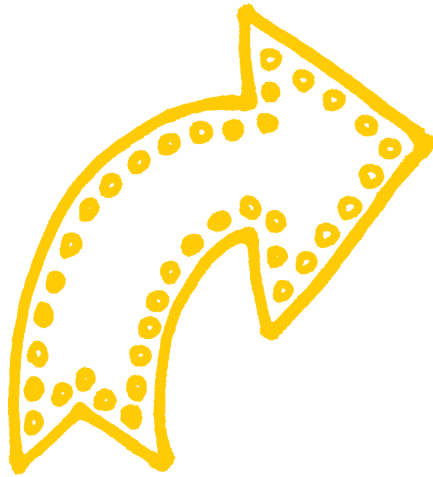


CONCLUSION

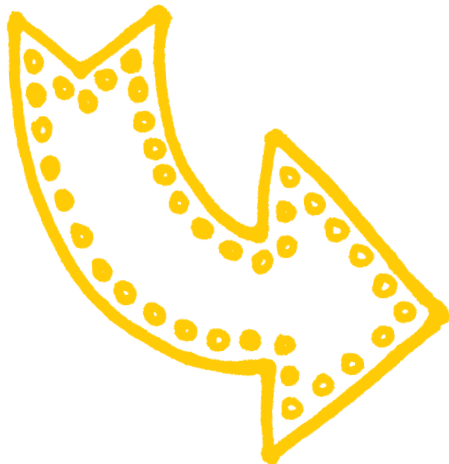


Our hope is that these Quick Start recommendations will enable the City to move quickly on improving civic engagement in Vancouver. There are simple, tangible steps the City can take to enhance public consultation, improve the effectiveness of civic communications, and foster collaboration and connection within neighbourhoods.

To be clear, improving civic engagement is not something that will happen quickly, and there is no magic solution. These recommendations are just a first step. We look forward to engaging the broader public in the weeks ahead as we work to create a final report that will provide a roadmap for enhancing civic engagement in Vancouver for the years to come.



SUMMARY OF QUICK START RECOMMENDATIONS



Engagement at a Neighbourhood Level

1. Bring City Hall to the Community
2. Participatory Budgeting for Neighbourhoods
3. Declare a City-wide Neighbourhood Block Party Day
4. Neighbourhood Councillor Liaisons

Improve Civic Education

5. Open the Doors to City Hall
6. City Hall 101
7. Make it Easy to Register to Vote
8. City Hall Storytelling

Improve the Development Process

9. Earlier Public Involvement in Major Rezoning Proposals
10. Enhanced Notice of Planning Changes
11. Rethink Public Signs and Notices

Social Media for Civic Engagement

12. Bring 3-1-1 Online
13. Crowdsourced Venue List
14. Create and Promote an Engaged City Listserv
15. Create and Promote an Online Engagement Panel
16. Create and Promote an Engaged City Twitter Handle



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May 2013

Vancouver Mayor's Engaged City Task Force
Design by Marten Sims



2013 REPORT ON THE STATE OF CANADA'S CITIES AND COMMUNITIES



OPENING A NEW CHAPTER

Some 22 years ago, municipalities moved their campaign for recognition of the role and place of local governments in a modern Canada from the constitutional to the political arena. Facing intractable institutional obstacles, the Federation of Canadian Municipalities (FCM) abandoned its decade-long campaign to change the 19th century constitutional framework that is holding municipalities back and opted for a more pragmatic approach based on aggressive, issue-by-issue advocacy.

FCM's plan was to build the foundations for a new intergovernmental relationship one policy breakthrough at a time. It is the strategy it has followed to this day.

The State of Canada's Cities and Communities 2013: Opening a New Chapter examines how effective FCM's shift in intergovernmental strategy has been in modernizing federal-municipal relations, and how it has increased the capacity of local governments to manage their growing agenda.

The report examines a number of important federal policy and program announcements, as well as the growing municipal footprint on national affairs, and draws conclusions about the foundations and the future of the federal-municipal relationship.





2013 Report on the State of Canada's Cities and Communities

KEY FINDINGS

Although there have been many significant programs and investments aimed at cities and communities over that period, only two contribute to modernizing the federal-municipal relationship in a significant way: the 2011 legislation that made the federal Gas Tax Fund (GTF) permanent and the Budget 2013 announcement that the government would index the GTF.

The current division of powers encourages short-term, informal and ad-hoc federal policies in the municipal sector, often designed without meaningful consultation with either municipal or provincial/territorial governments. The result is policies that respond to short-term political pressures and opportunities rather than address structural issues.

For Canada to embrace the 21st century with confidence, it needs cities and communities that contribute according to their full potential. The only way they can do this is with tools adapted to their new realities and roles.

Recent history suggests this will not happen until an accountability framework adapted to the 21st century is in place. In a country as vast and diverse as Canada, a powerful catalyst will be needed to break through the institutional inertia standing in the way of that goal.

Only the Government of Canada can provide that catalyst.

A PROPOSAL FOR CHANGE

The report calls for a re-invention of the federal-municipal relationship. Three things need to occur:

1. The federal government must explicitly recognize the role of cities and communities in national prosperity, the challenges they face, and the national interest in vibrant, competitive and safe communities.
2. Such political recognition must be made tangible through a formal and transparent framework to guide federal policy development and program interventions and create clear accountabilities.
3. Most important, this political recognition and framework must lead to the collaborative development of policies and programs that focus on those issues that remain unaddressed under outdated policies and jurisdictional obstacles.

Anything short of these measures will fail to deliver the change that is needed for our cities and communities, and for Canada, to succeed.

For more information

Contact Michael Buda, Director of Policy and Research, 613-907-6271, mbuda@fcm.ca.

Download the full report at www.fcm.ca.



FONVCA AGENDA ITEM 8(b)i

Higher court tosses out charges against man who shot bear

THE CANADIAN PRESS JUNE 8, 2013

Nearly three years after a Port Renfrew man chased and shot a large and troublesome black bear that had been harassing his Vancouver Island community, a judge has acquitted the man of all charges.

<http://www.courts.gov.bc.ca/jdb-txt/SC/13/09/2013BCSC0982.htm>

B.C. Supreme Court Justice Robin

Baird has tossed out the \$3,300 fine and three-year hunting ban imposed on Gregory Klem and has chided the provincial court judge who imposed the original convictions.

Baird says Klem's convictions on the charges either defy the evidence, lack evidence, or the offence simply doesn't exist in law. Baird criticized the judge and Crown counsel in the case, noting Klem was acting in his own defence and it was unfair of them not to tell him a conviction on one count would net a hefty mandatory fine, rather than the minor fine Klem had been led to expect.

Klem was charged with several offences, including hunting during a closed season and unsafe hunting, after the July 2010 incident when an aggressive black bear wandered into his yard in the community, about 100 kilometres northwest of Victoria. Klem scared it away but feared it was heading to a nearby playground and followed it, eventually shooting it when it turned on him.

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *R. v. Klem*,
2013 BCSC 982

Date: 20130605
Docket: 157317
Registry: Victoria

Regina

v.

Gregory Brett Klem

Before: The Honourable Mr. Justice Baird

On Appeal from the Provincial Court of British Columbia, Western Communities Registry No. 15748-1 heard
November 2, 2011

Reasons for Judgment

Counsel for the Crown:

J. Blackman

Gregory Klem appeared on his own behalf:

Place and Date of Hearing:

Victoria, B.C.
December 17, 2012

Place and Date of Judgment:

Victoria, B.C.
June 05, 2013

Introduction

[1] This is a summary conviction and sentence appeal.

[2] On November 2, 2011, Gregory Brett Klem was convicted in the Provincial Court of British Columbia of the following counts contrary to the *Wildlife Act* R.S.B.C 1996 c. 488 (“the Act”):

Count 1

Gregory Brett KLEM, on or about the 4th day of July, 2010, at or near Port Renfrew, in the Province of British Columbia, did hunt or wound wildlife, namely a bear, at a time not within open season, contrary to Section 26(1)(c) of the *Wildlife Act*, R.S.B.C. 1996.

Count 2

Gregory Brett KLEM, on or about the 4th day of July, 2010, at or near Port Renfrew, in the Province of British Columbia, did hunt without reasonable consideration for the lives, safety or property of other persons, contrary to section 28 of the *Wildlife Act*, SBC Ch. 57.

Count 3

Gregory Brett KLEM, on or about the 4th day of July, 2010, at or near Port Renfrew, in the Province of British Columbia, did discharge or hunt with a firearm in an area set out in Schedule 3 and contrary to section 4 of the Closed Areas Regulation made pursuant to the *Wildlife Act*.

Count 4

Gregory Brett KLEM, on or about the 4th day of July, 2010, at or near Port Renfrew, in the Province of British Columbia did, having hunted and injured wildlife, fail to retrieve wildlife and include the wildlife in his bag limit, contrary to Section 35(2)(a) of the *Wildlife Act*.

[3] Mr. Klem was sentenced to pay fines in a total amount of \$3,300, including a minimum mandatory \$2,500 fine on count 2, which it is clear Mr. Klem learned about only moments before it was imposed. On the sentencing hearing he said, in part:

Talking about fines, before we came to court he [the prosecutor] was saying if I paid a hundred dollars there is no court and everything is settled, and if I go to court it would be a thousand dollars and now we are talking up. That's all I have to say. Thank you.

[4] Crown counsel urged the trial judge, in addition to the monetary penalties, to exercise her discretion under the “creative sentencing” provisions of section 84.1 of the *Act*, to ban Mr. Klem from hunting for three years. The trial judge declined to do this because Mr. Klem has hunted for years without breaking the law, and he feeds his family, in part, by hunting.

[5] Unbeknownst to all concerned, it seems, and unfortunately for Mr. Klem, the conviction on count 2 attracted a mandatory three year hunting prohibition by virtue of Division 7, s. 7.04(1), of the *Wildlife Act General Regulations* B.C. Reg. 340/82. Such a prohibition was duly served upon Mr. Klem on January 29, 2012.

Mr. Klem represented himself at trial and on this appeal.

Standard of Review on Summary Conviction Appeals

An appeal against conviction is governed by subsection 686 (1)(a) of the *Criminal Code* which reads:

686(1) On the hearing of an appeal against conviction ... the court of appeal

(a) may allow the appeal where it is of the opinion that

- (i) the verdict should be set aside on the ground that it is unreasonable or cannot be supported by the evidence,
- (ii) the judgment of the trial court should be set aside on the ground of a wrong decision on a question of law, or,
- (iii) on any ground there was a miscarriage of justice.

The standard of review on summary convictions appeals was summarized by Romilly J. in *R. v. Pomeroy*, 2007 BCSC 142 at paras. 25-39.

[6] Guided by the principles and authorities set out in that case, and for the reasons that follow, I have decided that the appeal must be allowed. The convictions are hereby quashed and acquittals are entered.

Background

[7] Briefly stated, on July 4, 2010, Mr. Klem shot a black bear in the back yard of one of his neighbours, Mrs. Phyllis Phillips. Both are long-time residents of Port Renfrew. The incident was investigated by a BC Conservation Officer named Peter Pauwels. It was Mr. Pauwels who recommended that the above charges be laid and, in due course, served the mandatory three year hunting prohibition on Mr. Klem.

[8] Port Renfrew is a small community on the west coast of Vancouver Island a hundred or so kilometres from Victoria. It is surrounded by hills and forests inhabited by bears and other wildlife. From time to time bears come into town.

[9] In the early evening hours of the date in question, Mr. Klem heard his dog barking furiously in his back yard. He went to investigate and saw that there was a large black bear approaching his dog in a threatening manner, swinging its head from side to side and acting, according to Mr. Klem, as if it “meant business”.

[10] This bear had been seen in town over the previous few days. The townspeople speak to each other about such things. Mr. Klem knew it was the same bear that his neighbours had been talking about, as it had a distinctive sore on its backside.

[11] Mr. Klem was concerned that the bear had become habituated to urban life and was not afraid of people or dogs. A couple of days before the bear had entered a neighbour’s porch and strewn garbage about, and Mr. Klem was sure that it had been into his garbage, as well. On two occasions it had got into another neighbour’s garage refrigerator.

[12] A friend of Mr. Klem’s was so concerned about this “garbage bear” that he insisted on loaning Mr. Klem a shotgun to protect himself and his family. The trial judge inferred from this that Mr. Klem does not have a shotgun of his own.

[13] Mr. Klem has a good deal of experience with bears. For many years he was a tree planter in remote areas of B.C. and lived in close proximity to them. More recently, he has conducted a business in which he takes tourists to

watch bears in the Port Renfrew area. It is clear from his evidence that he is keenly interested in bears and knowledgeable about their habits and behaviours. He does not hunt bears.

[14] When Mr. Klem saw the standoff between his dog and the bear in his yard, he went into the house and grabbed the loaned shotgun and a couple of shells. On his return the bear had come closer to his house. He charged the bear, yelling and cursing. This is known as hazing. The bear left his property and lumbered off in the direction of a public park.

[15] From this point the learned trial judge made the following findings of fact:

[25] I find as a fact that Mr. Klem was extremely unsettled by this incident. He was concerned that the trail taken by the bear, which connected to the greenbelt, was frequently used by children and he was concerned in general about the safety of those in the community. He watched the bear go down the trail and turn onto the greenbelt leading to the tennis courts where children frequently play.

[26] I accept that he and his wife yelled at any neighbour who could hear that there was a bear coming.

[27] Mr. Klem began searching for the bear in his truck. He drove around the area and onto Tsonoqua Road. I accept that he warned anybody he saw on the street that there was a bear in the area. He finally found the bear near the tennis courts, but it jumped the fence into the area beside Mrs. Phillips' garage, so Mr. Klem went back to Tsonoqua Drive and into her yard, where he began hazing the bear again.

[28] At trial, Mr. Klem said that the bear started toward the back fence in the direction of the greenbelt, but then changed its mind and moved as if to come in his direction. This is when he shot it.

[29] In the statement given to Mr. Pauwels [the Conservation Officer who investigated the incident] on July 5th, 2010, however, Mr. Klem said that he felt compelled to shoot the bear, that he really did not think he had any choice. That is, Mr. Klem did not mention that the bear had turned toward him in the statement, but in any case I conclude and find as a fact that he felt endangered. He believed that hazing did not work with this particular bear, which was a particularly large animal.

[30] Mr. Klem said that the bear was 20 feet away when he shot it in the neck, because that is a kill zone. However, the bear jumped up onto a wire spool, and from there over the fence into the thick bushes. Drops of blood were found on the spool the next day, which confirmed that the bear had been hit.

[31] Mr. Klem believes that he was defending both himself and the community from imminent danger, and that he was not hunting, *per se*. He believed that there was a 98 percent chance that the bear had been killed.

[16] The trial judge found that Mr. Klem had, indeed, been engaged in “hunting” as that term is defined in the *Act*. For the reasons discussed below I agree with this conclusion. She went on to decide that Mr. Klem had not established what is commonly called the defence of due diligence. She explained this in the following terms:

[56] While the potential of harm to Mr. Klem or his dog was real while the bear was in [his] yard, that danger, I must find, ended when the bear departed. I must find that there is no evidence from which I can conclude that the bear was prepared to stand and fight or attack at that point. It left the area because it responded to the hazing, and therefore I find as a fact that Mr. Klem was incorrect in his belief about how imminently dangerous this animal was.

[57] It was Mr. Klem who chased the animal, who actively pursued it in his truck. He knew that the citizens of Port Renfrew have developed a method of dealing with bears, hazing or phoning the conservation officer. Although Mr. Klem had already phoned the conservation officer about this bear the previous day when his garbage was strewn around, he chose not to phone the conservation officer on this occasion.

[58] The likelihood of harm to Mr. Klem, had he not pursued the bear, was negligible after the bear had run away from the area of his property. The likelihood of harm after he had cornered the bear was considerable.

[59] However, this court must find that Mr. Klem put himself in harm's way by pursuing the bear. I must find that by its actions, the bear was trying to get away from him. This danger, I must find, was of Mr. Klem's own making.

[17] Addressing the suggestion that the danger had passed once the bear had been “hazed” out of his backyard, Mr. Klem testified:

Knowing what I do of most bears, I can't simply close my doors and go let him passively maul my one son that's down in the park playing and right where the bear was going and/or neighbours. That would be horribly irresponsible. I just don't work that way. I don't allow danger to pass through my yard to go into somebody else's yard and potentially harm them. That's not the way I'm made.

[18] On the subject of whether he had taken reasonable care, Mr. Klem testified:

All I can say is I took every precaution. I cleared the area of people. The area where I shot the bear, what do you call it, it was a clear shooting lane. There was no buildings in the way. The people were cleared out of the way. There was trees and up slope behind it. The shot I took was absolutely no danger to anybody but the bear.

[19] What became of the bear is unclear. Mr. Klem is sure that he killed it, but there was no evidence to confirm this, and the trial judge found as a fact that the bear was spotted the following day in the same general area where the shooting occurred.

Discussion

[20] Bears are defined as “dangerous wildlife” under the *Act*. Crown Counsel properly conceded that black bears can be confrontational and unpredictable and sometimes they maul and kill humans.

[21] The *Act* defines “hunt” as follows

“**hunt**” includes shooting at, attracting, searching for, chasing, pursuing, following after or on the trail of, stalking or lying in wait for wildlife, or attempting to do any of those things, whether or not the wildlife is then or subsequently wounded, killed or captured,

- (a) with intention to capture the wildlife, or
- (b) while in possession of a firearm or other weapon

[22] Mr. Klem argued that he was not hunting because he did not set out to kill the bear, only to run it out of town. He was not chasing it for sport. He did not intend to acquire property in the bear without performing the various prerequisites set out in the *Act*, such as taking courses, paying fees, acquiring licences, and so on. He was not planning to butcher and eat the bear. Nor was he was he poaching in violation of the *Act*. His view was that he was not hunting, but protecting himself, his dog, and his fellow citizens.

[23] The legislature, as owner of all wildlife in the province (see section 2 of the *Act*), has chosen a broad definition of the word “hunt” that includes, for example, pursuing a bear while in possession of a firearm or weapon, even without the intent to kill or capture it.

[24] Mr. Klem clearly believes that this definition is overbroad and that it wrought an injustice in his case. I would note, however, that the definition in the *Act* is consistent with its dictionary definition, which includes “drive off by pursuit” (*Oxford*) and “to drive or chase especially by harrying” (*Merriam Webster*).

[25] By arming himself and chasing this black bear, and especially by shooting it, it is clear that Mr. Klem committed the act of hunting wildlife common to all counts upon which he was convicted, but this does not end the matter. These are strict liability offences, leaving it open to Mr. Klem to avoid liability by establishing on a balance

of probabilities the defence of due diligence: *R. v. City of Sault Ste. Marie* (1978), 40 C.C.C. (2d) 353 (S.C.C.). Dickson J. (as he then was) defined strict liability offences in the following terms at p. 374:

Offences in which there is no necessity for the prosecution to prove the existence of *mens rea*; the doing of the prohibited act prima facie imports the offence, leaving it open to the accused to avoid liability by proving that he took all reasonable care. This involves consideration of what a reasonable man would have done in the circumstances. The defence will be available if the accused reasonably believed in a mistaken set of facts which, if true, would render the act or omission innocent, or if he took all reasonable steps to avoid the particular event. . . .

This category of offence was created to permit the efficient prosecution of regulatory or public welfare offences while avoiding punishment of the morally innocent.

[26] When it comes to assessing the reasonableness of Mr. Klem's actions, it is important to emphasize section 75 of the *Act*, which reads:

75 (1) A person who kills or wounds wildlife, other than prescribed wildlife, either by accident or for the protection of life or property, must promptly report to an officer

(a) the killing or wounding, and

(b) the location of the wildlife.

(2) A person who fails to report as required under subsection (1) commits an offence.

The trial judge was not referred to section 75 and neither Crown counsel nor Mr. Klem raised it in argument. There is no doubt that if a person's life or physical safety is imminently threatened by a bear, the person is authorized by law to kill it, wound it, or ward it off by whatever means might be available. This is so whether the threat occurs in town or country, during an open or closed season, and whether or not the person is licensed to hunt.

[27] Mr. Pauwels, the Conservation Officer, testified about this. On many occasions he has shot and killed wildlife in "urban" settings in what he considered to be emergent circumstances. He testified that "people have the right to defend themselves and their property from imminent threat of injury", and he has investigated many cases in which citizens have shot bears out of season where he has not, for this reason, forwarded charges to Crown Counsel for approval.

[28] This much is confirmed by the B.C. Conservation Service website, which contains the following information in the "Bear Aware" section under the heading "What's the Problem?":

Bears come into regular contact with people in B.C., especially black bears because they are more adaptable to humans and human settlement than grizzlies. Black bears live throughout the forests of B.C. and often reside at the forest edge near towns or farms. These bears frequently wander into populated areas drawn by human food and/or garbage.

If people allow these visiting bears to access garbage and other non-natural food sources, they help to create "problem" bears. "Problem" bears are bears "that act on their learned behavior to such an extent that they produce a threat to human safety and property when seeking out human food and/or garbage" (Ciarniello, 1997, p 17).

A problem bear is a dead bear. Every year hundreds of "problem" bears are killed in B.C. as a result of poor human management of non-natural food sources. **From 1992 to 1996, approximately 245 grizzlies and 4,246 black bears were shot in British Columbia because of perceived and actual threats to human safety.**

(Emphasis in the original)

[29] This was the central issue in this case. Was this a “problem bear”? Did Mr. Klem shoot it justifiably because it was a threat to himself, to other people, or to property? As has already been seen, the trial judge concluded that Mr. Klem did not establish on a balance of probabilities that he ought to avoid liability for this reason. She concluded, essentially, that the bear was not as dangerous as Mr. Klem thought, and that by pursuing the bear Mr. Klem created a situation more dangerous to human safety than if he had stayed put after hazing the bear from his property.

[30] My justification for intervening on appeal is that, with the greatest possible respect, the trial judge’s verdict on count 1 was inconsistent with her factual conclusions, there was no evidence to sustain her verdict on count 2, count 3 was a nullity, and her verdict on count 4 was wrong in law.

[31] I shall now deal with each count in order.

Count 1

[32] To recap, the bear entered into Mr. Klem’s yard in the middle of Port Renfrew and was poised to attack his dog. Mr. Klem called off the dog and the bear approached closer to his house. This was a legitimate source of concern all by itself, but on top of it, Mr. Klem knew that the bear had been in town repeatedly over the previous few days, and that its behaviour was becoming brazen. It had been getting into people’s garbage. It had invaded a neighbour’s porch. It had raided another neighbour’s garage refrigerator and returned for more the next day. On all of the evidence, it seems clear that, in the words chosen by the Conservation Service, this was the sort of “problem bear” of which, apparently, hundreds are killed in this province every year.

[33] In these circumstances, with perfect justification, the trial judge found as a fact that the potential of harm to Mr. Klem or his dog was real. It is clearly to be inferred from the trial judge’s assessment of the situation, furthermore, that Mr. Klem was justified in arming himself and hazing the bear off his property, and I respectfully agree with this assessment.

[34] But having found that this bear was, in fact, dangerous, and that Mr. Klem was justified in arming himself and charging and hazing it, with great respect it seems to me unreasonable for the trial judge to have considered it unlawful for Mr. Klem to pursue it off his property, especially since it was headed in the direction of a public park and tennis courts.

[35] To the contrary, having concluded that the bear posed a danger to Mr. Klem and his dog while it was on his property, in my respectful view it was reasonable to suppose that it posed a similar danger to others in the community once Mr. Klem had chased it off. Mr. Klem testified that it would have been “horribly irresponsible” not to have pursued the bear to ensure the safety of others, and I agree with him.

[36] Part of the trial judge’s reasoning was that Mr. Klem should have left the matter to be dealt with by the Conservation Service. But she also recognized that a number of people, Mr. Klem included, had called the Conservation Service to report this bear over the preceding few days, and there had been no response at all. Some of the good natured indignation expressed by Mr. Klem in his testimony at trial and during his presentation on

appeal had to do with this point: the assistance of Conservation Service is often requested but seldom materializes. When it came to dealing with this problem bear, in the words of Mr. Klem, “I knew there was no other help coming.”

[37] In such circumstances, with all due respect to the trial judge, in my view a properly and fairly instructed jury would be told that Mr. Klem was lawfully justified in following the bear to ensure the safety of his neighbours, especially the children, including his own, who may have been playing on the nearby playground and tennis courts, and that, all things considered, he was justified in taking the shotgun with him just in case.

[38] The notional jury would also be told, however, that Mr. Klem was now in the position of “hunting” the bear, and that, to avoid liability for committing offences against the *Act*, his burden was to establish that he exercised due diligence in doing so, meaning that he took all reasonable care, exercised proper restraint, and did not act negligently.

[39] The only evidence on this point came from Mr. Klem himself, who said that that, while he was looking for the bear, he warned everyone he came across and told them to get inside. By the time of the final confrontation in Mrs. Phillips’ back yard, he had cleared the entire area of people, including the area behind Mrs. Phillips back fence and around the tennis court, which was the “backdrop” to the single shot he fired. There was no one around.

[40] Mr. Klem followed the bear into Mrs. Phillips’ yard and hazed it to her back fence. On the other side of the fence, beyond a densely bushed area, there is a grassed-over fire lane that wildlife apparently use to enter and leave Port Renfrew. The trial judge accepted Mr. Klem’s evidence that his goal was to haze the bear over the fence, onto the fire lane, and out of town.

[41] According to Mr. Klem, however, when it arrived at Mrs. Phillips’ back fence, the bear tired of hazing. It stopped retreating. It turned on Mr. Klem and started towards him. It was common ground on this trial that bears are not only dangerous but fast moving. At this stage Mr. Klem was only twenty feet away. He made a split second decision and fired one shot.

[42] Mr. Klem testified, and nobody contradicted him, that when he fired this shot no people were anywhere near, there was a clear shooting lane, there were no buildings within range, and there was a solid backdrop for the shot comprised of the fence itself, and the dense bush on the other side of it.

[43] The trial judge criticised Mr. Klem because he “could not see if there was anything in the bushes which formed the backdrop of the shooting”, but with the greatest respect this ignored the evidence of Conservation Officer Pauwels, who attempted a search of this area the following day and found the foliage to be so thick that he could penetrate it only on all fours, and then only a distance of a few feet. It was not the sort of place where people were likely to be found, and more importantly no one was there when Mr. Klem fired his gun.

[44] The bear leaped over the fence and disappeared into the bushes. Mr. Klem patrolled the area for a period of time afterward. The bear never emerged. Mr. Klem thought it had probably succumbed to its wounds somewhere in the dense foliage and would be found there in due course. He went home. He did not call the Conservation Officer or anyone else.

[45] In respect of count 1, I have concluded that the guilty verdict is unreasonable as being inconsistent with the factual conclusions reached by the trial judge.

[46] In particular, in my respectful view the conclusion that the bear posed a real danger to Mr. Klem at the point where he confronted it made it unreasonable to hold that the danger passed as soon as the bear left his property. As a matter of law, not to mention of good civics, Mr. Klem was justified in pursuing the bear as long as he exercised reasonable care to ensure the safety of others, which he did by clearing the area of people and attempting to haze the bear onto the pathway used by wildlife to get out of town, and to kill or wound the bear only if reasonably necessary for the protection of himself, other people, or property.

[47] In the latter connection, having concluded that the bear turned on Mr. Klem and that this was a dangerous situation, in my respectful view it was unreasonable for the trial judge to find that that Mr. Klem was not justified in shooting it for self-protection, even though it was common ground at trial that he did so in a “no shooting area” where there is never an open season for hunting any form of wildlife.

[48] In the alternative, it is obvious that Mr. Klem sincerely believed himself to be in danger, and even if he was mistaken, this belief was reasonable in the circumstances, and it rendered his actions morally innocent.

Count 2

[49] With respect to count 2 the trial judge convicted Mr. Klem for firing the shotgun in a residential area not far from a tennis court. But in my respectful opinion, the trial judge disregarded the only evidence material to this count, that of Mr. Klem, who testified, as previously stated, that he had cleared the area of people, including the area around the tennis court, and that he had a safe backdrop, no buildings were in range, and the shot was “no danger to anybody but the bear.”

[50] The trial judge also criticized Mr. Klem because he shot the bear with birdshot. She said:

[62]...Mr. Klem either knew or should have known that the type of shot he had been given for the gun was suited for hunting birds, not bears. He knew or should have known that there was a strong possibility that if he shot the bear, the shot would not be fatal. He knew that a wounded bear would be extremely dangerous, which is why he did not pursue it into the dense bush.

[63] There is a societal obligation on any person who owns guns to use the right type of ammunition for the animal being hunted. In the view of this court, the use of bird shot to attempt to kill a bear is not the action of a reasonable man.

[51] On this point, however, it is to be remembered that Mr. Klem was reacting to an emergent situation with a loaned shotgun. When Mr. Klem saw the bear apparently on the verge of attacking his dog, he grabbed the nearest defensive weapon to hand and used it to protect his property and himself. The situation did not reasonably permit an opportunity to consider the nature of the ammunition.

[52] Furthermore, the trial judge found as a fact that Mr. Klem did not set out to kill the bear. He was hazing it away from town so that no one would be harmed. In my respectful view he was entitled to choose any reasonable means of achieving this objective. Resort to any weapon or deterrent, within reason, would have been permissible. And when it comes to self-protection, section 75 of the *Act* makes no distinction between killing or merely wounding wildlife as long as a person who does either of those things reports it to the relevant authorities.

[53] In any event, while Mr. Klem acknowledged that generally speaking birdshot was not the right ammunition for the purpose, he testified that he fired the gun at close range, the shot had not yet dispersed, and the whole load struck the bear in the area of its neck. It was a “good shot”, he said, squarely in a “kill zone” that he was almost certain was fatal. Contrary to the opinion expressed by the trial judge in her reasons for conviction, there was no compelling or even admissible evidence establishing a “strong possibility” that such a shot could not be fatal.

[54] To the extent that Mr. Klem’s conviction on count 2 was based on his supposed failure to pursue the injured or fatally wounded bear into the dense bush behind Mrs. Phillips’ fence, I would only observe that for him to have done this would have been extremely dangerous, and that section 75 of the *Act* places no such obligation upon him. To the contrary, the clear intent of this provision, it seems to me, is to restrain people who kill or wound bears in emergent circumstances from any further heroics, and to enjoin them to leave dead and wounded wildlife to Conservation officers or other trained persons who know what to do with them.

[55] In summary, the appeal is allowed on count 2 because there was no evidence to sustain a conviction.

Count 3

[56] The trial judge entered a conditional stay of conviction on count 3 because she concluded that convictions on both counts 1 and 3 would run afoul of the principle set out in *R. v. Kineapple* [1975] 1 S.C.R. 729. In my respectful view, however, count 3 is a nullity. Section 4 of the *Closed Area Regulation* B.C. Reg. 76/84 does not create an offence. It merely specifies that, for the purposes of section 26 (1) (c) of the *Act*, which creates the offence referred to in count 1, the areas set out in Schedule 3 to the regulation are “no shooting areas” where there is never an open season for any wildlife species. In my respectful view, the offence set out in count 3 does not exist. Accordingly, if necessary, the conditional stay is set aside and conviction is quashed.

Count 4

[57] This leaves count 4, an offence contrary to subsection 35(2) of the *Act* which reads:

35 (2) A person commits an offence if the person hunts wildlife and kills or injures that wildlife and fails to make every reasonable effort to

(a) retrieve the wildlife, and if it is alive to kill it and include it in his or her bag limit, and

(b) remove the edible portions of the carcass of game to the person's normal dwelling place or to a meatcutter or the owner or operator of a cold storage plant,

unless exempted by regulation.

[58] At the risk of repetition, Mr. Klem’s purpose in pursuing the bear was to drive it away from Port Renfrew in the name of public safety. He shot it for his own protection. He did not hunt the bear in the sense intended by subsection 35(2) which, within the general scheme of the *Act*, applies to persons who hunt wildlife for sport or food, and proscribes gratuitous killing or wounding, poaching and waste.

[59] Mr. Klem did not hunt this bear for the sport of it, to poach it, or to acquire property in it. He did not have a bag limit or, indeed, a hunting licence. He had no interest in the bear’s edible portions. He was merely doing what he thought was necessary to protect himself, his dog, and his fellow citizens from a problem bear in an urban setting. It might well be argued that his failure to notify the appropriate authorities after he had shot the bear was an

offence contrary to subsection 75(2) of the *Act*, but he was not charged with that offence. I have concluded that subsection 35(2) does not apply to the circumstances of this case. In my respectful view the conviction on count 4 is incorrect in law and cannot be sustained.

The Sentencing Hearing

[60] In light of my disposition of the conviction appeal, not much needs to be said about Mr. Klem's sentencing. I would merely observe that unrepresented litigants are common nowadays in our criminal courts. The law requires that they should be treated with care by prosecutors and judges alike so that miscarriages of justice are avoided. For Mr. Klem to have gone through plea, arraignment and trial without being advised of his exposure to a large minimum fine and a mandatory three year hunting prohibition on count 2 was unfair.

Conclusion

[61] The appeal is allowed, the convictions are quashed, and acquittals are entered.

“Baird, J.”

Summary

Electronic waste (e-waste) is a term that loosely refers to obsolete, broken, or irreparable electronic devices like televisions, computer central processing units (CPUs), computer monitors, laptops, printers, scanners, and associated wiring. Because e-waste is generated in high volumes in the United States and contains hazardous materials like lead, mercury, and chromium, it is a growing area of domestic concern. Currently, e-waste is essentially unregulated at the federal level and can be disposed of with common household garbage in municipal solid waste landfills or incinerators. However, the international trade in e-waste is subject to the international agreements governing the hazardous waste trade. The United States is a party to several of these agreements, but it is not a party to the largest multilateral agreement in this field: the Basel Convention.

Although it is difficult to know exactly how much e-waste is exported from the United States, developing countries in Asia or Africa appear to be active importers of it. Many of these countries lack, or do not enforce, labor or environmental laws that would mitigate or prevent the harms to human and environmental health that are associated with e-waste processing. The result is that some overseas e-waste recycling operations may pose a significant risk to human and environmental well-being.

Recently, momentum has developed for domestic legislation restricting U.S. e-waste exports. These restrictions could take many forms, including a partial or total ban on e-waste exports, an e-waste export licensing system, or a quota on e-waste exports. However, these restrictions may be difficult to reconcile with the General Agreement on Tariffs and Trade (GATT), one of the World Trade Organization (WTO) Agreements, and could be susceptible to challenge before a WTO panel.

In particular, e-waste export restrictions may be deemed inconsistent with Articles XI:1, XIII:1, and I:1 of the GATT. If declared a violation of the GATT, e-waste export restrictions could be justified under Article XX of the GATT if they (1) fit under one of the exceptions listed in paragraphs (a) to (j) of Article XX of the GATT and (2) satisfy the requirements imposed by the Article XX chapeau. It would be difficult, however, for U.S. export restrictions on e-waste to meet this standard for justification if they are imposed without serious U.S. engagement in international negotiations on the hazardous waste trade or without the concurrent operation of comparable restrictions on domestic e-waste production.