

# FONVCA

## Draft Minutes of Regular Meeting, Wednesday September 17<sup>th</sup> , 2014

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

**Time:** 7:00-9:00pm

**Chair:** John Miller – Lower Capilano Community Residents Assoc.

Email: [jimmam@shaw.ca](mailto:jimmam@shaw.ca) Tel: 604-985-8594

Regrets: Cathy Adams

### Attendees:

|                             |   |
|-----------------------------|---|
| Eric Andersen               | Blueridge Comm. Assoc.                    |
| Diana Belhouse (note taker) | Delbrook Community Assoc.                 |
| Sharlene Hertz              | Delbrook Community Assoc.                 |
| Douglas Curran              | Gateway Resident                          |
| Jim Hanson                  | Blueridge Comm. Assoc.                    |
| Corrie Kost                 | Edgemont & Upper Capilano Comm. Assoc.    |
| John Miller (Chair Pro-tem) | Lower Capilano Community Residents Assoc. |
| Val Moller                  | Assoc. of Woodcroft Councils              |
| Rene Gourley                | Delbrook Community Assoc.                 |

## 1. Order/content of Agenda

- a) Call to Order at 7:03 pm
- b) Chair Pro-Tem Suggests: as is, except for additional item 6(d) Re: List of members on DNV Re-Unification Committee

## 2. Adoption of Minutes of June 18<sup>th</sup> , 2014

<http://www.fonvca.org/agendas/sep2014/minutes-jun2014.pdf>

- a. Minutes of June 18<sup>th</sup>/2014 were approved as circulated.
- b. Business arising: None.

## 3. Roundtable on 'Current Affairs'

- a) EUCCA – Corrie Kost
  - Reported on a case where trees were to be cut without checking that the trees belonged to the person requesting the permit. The Tree Cutting Permitting process is alleged to be flawed as there are insufficient checks to ensure ownership.
  - Impact of CASL (Canadian Anti-Spam Legislation) on community associations.  
An analysis of this new Federal Legislation (July 1/2014) by barristers and solicitors Stewart, McDannold & Stuart indicated that if an email from a C.A. is sent to a member recipient who has consented or where consent is implied through

membership, which does not ask for a monetary contribution is safe from legal action. However there must be a method whereby the recipient can unsubscribe at no cost. The requirement for a recipient's consent applies to Community Associations if the e-mail advertises recreational and other events, especially if admission fees are to be charged.

Penalties for violating CASL can be significant and after three years there will be a private right-of-action for individuals who CEM's without consent (SPAM).

- Feedback on FONVCA questions to municipal candidates for elections;  
The attendees decided to eliminate posting hardcopies of these questions and replies at the all candidate meetings (too much work by Corrie) and instead to only post them on the FONVCA website using the previous coded stencil.
- EUCCA Procedures and need for common standards  
The Organization and Procedural Rules of EUCCA were distributed for information.

b) Delbrook C.A. – Diana Belhouse

- Issue #5 of the Delbrook Digest was distributed in the agenda material.
- DCA AGM and program will be held at DNV Hall Thursday Oct 2/2014
- A 4<sup>th</sup> Dialogue will be held Monday Oct 20<sup>th</sup> in the Maple Rm Delbrook RecCentre
- A Municipal All-Candidates meeting will be held Nov 4<sup>th</sup> – Potlatch Rm. Cap. Library
- Sharlene Hertz explained her agenda attached article (see also item 7(d) on the lack of DNV transparency in holding about twice as many closed (in-camera) meeting as other Metro Municipalities.
- Renee Gourley explained Dialogue #4 following their Oct 2<sup>nd</sup> AGM “Building Community” convened by Peter V. Hall, Associate Professor of Urban Studies at SFU – panel to discuss ways to increase meaningful personal connections between neighbours.

c) Blueridge C.A. – Eric Andersen

- Invited Mayor and Gavin Joyce to one of their meetings.
- Progress being made on their “Sharing Gardens”. Team of volunteers needed for next spring. “Sharing Gardens” crops go to charitable organizations, but some will be available for the volunteers growing them/ No produce is sold to the public.
- Wine tasting event to be held by Blueridge CA. Will be held in a resident's home (max 20 attendees). A way to introduce new residents of the neighbourhood.

d) Lower Capilano Residents' C.A. – John Miller

At the public information meeting in January 2014 for the proposed development of 1700 Marine Drive, the literature from the District listed a variance for the setback on the north for the heights of the 3<sup>rd</sup> and 4<sup>th</sup> floors. This item was discussed at the meeting and the developer informed the attendees that the District had negotiated a larger setback on Marine Drive (for a future bus lane extension) in exchange for not meeting the setback requirement on the north. The Report to Council at the September 15<sup>th</sup> meeting did not contain this variance, nor was it listed in the minutes of the public information meeting, which were attached to the report. Upon questioning the planner (prior to the Council meeting), John was informed that the planners' superior interpreted the requirements differently and over-ruled the planner. The attendees of the public information meeting

were never informed of this change/re-interpretation and it appears to be hidden from Council (thereby there appears to exist a problem with the public process).

Further on 3(a) Corrie reported on a change in a development taking place in Edgemont Village – first shown without any restaurant use – then adding a take-out restaurant use just before the public hearing and now – at a subsequent public hearing being further changed to a 30 seat restaurant with a deficit of 3 parking stalls. Corrie alleges the bylaw interpretation to be incorrect and that the parking deficiency would be 6 stalls. Staff did not subsequently address that allegation.

## **4. Old business**

### **a) Fine Tuning FONVCA “Procedures”**

<http://www.fonvca.org/agendas/sep2012/Procedures-before-after.pdf>

After due deliberation of the revised “Procedures” – which were largely cosmetic and consistent with the action by the DNV to no longer provide formal recognition of Community Associations – the members present adopted them. Note that the “Criteria for Official Recognition” are included as reference material to enable members at a FONVCA meeting to determine if those at the table have largely met those criteria.

Doug Curran spoke at some length but was finally told that the Chair could not recognize him as he did not speak as a representative on any community association – but was there merely as an observer who could not participate in any discussions without the consent of members at the table.

## **5. Correspondence issues**

### **a) Business arising from regular emails:**

No discussion since all items are now normally tagged as “NOPOST”

b) Non-Posted letters: It was agreed that all 12 submitted email be posted on the fonvca.org website. Particularly noteworthy was email #5 – “Need to properly manage public property – or possibly lose it” – which included a transcript of the recent BC Supreme Court judgement of District of West Vancouver vs. Jie Lie – implying that municipalities who refrain from properly notifying homeowners who encroach on public land may well lose its public ownership!

## **6. New Business**

### **a) The UBCM passed and the Province subsequently adopted 4-Yr Terms for Municipal Councils.**

This was done without consultation with either consultation of the representatives with their respective council, but more importantly, without consultation with their respective electorates. Highly non-democratic! Despite that, this issue was twice voted on and rejected in prior years. How did DNV representatives vote on this issue? Elections for four year terms will take place Sat. Nov 15<sup>th</sup>. Note that deadline for submission to be a municipal candidate is Friday Oct 10<sup>th</sup>.

## **b) Questions for 2014 Municipal Candidates**

DNV 2011 FONVCA Questions/Replies:

<http://www.fonvca.org/Issues/Election-2011/q-letter.pdf> (attached to agenda package)

<http://www.fonvca.org/Issues/Election-2011/replies>

Previous Municipal Elections: <http://www.fonvca.org/municipal-elections.html>

Questions to the candidates for the Nov/2014 election were reviewed, modified etc – resulting in **11 questions** to be put to the candidate approximately October 11<sup>th</sup> with replies to [fonvca@fonvca.org](mailto:fonvca@fonvca.org) by Friday October 24<sup>th</sup>.

## **c) Election promises unenforceable**

<http://www.vancouver.sun.com/news/Opinion+hold+politicians+accountable/10052466/story.html>

As indicated in the above article – we cannot legally hold politicians accountable for their promises made prior to being elected. The only recourse is to vote them out at the next election.

## **d) 2014 North Shore Re-unification Committee struck by DNV**

On September 2 the Advisory Oversight Committee met to make appointments to the 2014 North Shore Reunification Review Committee. The following nine people, from a list of 26 applicants, were appointed:

**Helen Goodland**, Architect (DNV/CNV); **James Ridge**, Senior Public Servant (DNV); **James Boyd**, Retired Accountant (DWN); **Jeff Murl**, Businessman (CNV); **Bob Boase**, Consultant (DNV); **Greg Lee**, Retired President Cap U (DNV); **Mohammad Afsar**, Retired Engineer (DNV); **John Hetherington** (Retired Accountant (DNV); and, **Terri Rear**, Project Manager (CNV).

The committee will assess the scope and complexity of work required to ensure a robust amalgamation study process. Work will begin immediately and the committee will report its findings to District Council on October 6, 2014.

## **7. Any Other Business**

### **a) Ottawa allows secondary suites in Townhouses.**

Details are provided on page 38 (40 of file) of

[http://issuu.com/emcorleans/docs/orleans\\_724](http://issuu.com/emcorleans/docs/orleans_724)

This is a warning of things to come to your neighbourhood!

### **b) DCC's Revised?**

[http://www.cscd.gov.bc.ca/lqd/finance/development\\_cost\\_charges.htm](http://www.cscd.gov.bc.ca/lqd/finance/development_cost_charges.htm)

No discussion.

### **c) DWV / CNV/ DNV Coach Houses Update**

<http://westvancouver.ca/sites/default/files/dwv/council-agendas/2014/may/05/14may05-5.pdf>

<http://www.cnv.org/Property%20and%20Development/Building%20and%20Development/Development%20Applications/Development%20Permits/Accessory%20Coach%20Houses>

<http://identity.dnv.org/article.asp?c=1152>

No discussion.

#### **d) Too many Closed Council Meetings?**

*“Municipal law was changed to require that municipal governments hold meetings that are open to the public, in order to imbue municipal governments with a robust democratic legitimacy. The democratic legitimacy of municipal decisions does not spring solely from periodic elections, **but also from a decision-making process that is transparent, accessible to the public, and mandated by law.**”* - The Supreme Court of Canada.

<https://www.ombudsman.bc.ca/how-to-make-a-complaint/online-complaint-form>

[http://www.ombudsman.on.ca/Files/sitemedia/Images/Reports/1590-OMLETAR-ENGLISH-WebResolution\\_1.pdf](http://www.ombudsman.on.ca/Files/sitemedia/Images/Reports/1590-OMLETAR-ENGLISH-WebResolution_1.pdf)

<http://www.fonvca.org/agendas/nov2012/walton-26oct2012.pdf>

Extract from Delbrook CA Sep 2014 Newsletter was also included in the full agenda package. See agenda item 3(b) for more on this issue. As detailed in the attachment, nearly twice as many hours were spent yearly in closed (in-camera) council meetings as in “regular” council meetings! As was noted by the BC ombudsperson *“Local governments should provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting in the first place. This will help to limit speculation, increase public trust and enhance the credibility of the local government”*

**It was especially noted in the attachments that section 12 of the Freedom of Information and Protection of Privacy Act requires that much of the background information of these closed meetings must be released after 5 years – and all of it after 15 years!**

#### **8. For Your Information Items:**

The items listed in this section were not discussed – except to point out the utility of having the title of all the monthly collections of community related news-clips stored on the web site in item 8(a)(i).

#### **9. Chair and Date of next FONVCA meeting:**

Next Regular Meeting: 7pm Wed. October 15<sup>th</sup> 2014 – Chair Pro-tem – Peter Thompson (It was suggested, if available, a rep. be chosen from either Norgate or Pemberton Heights)

Meeting declared Closed: ~ 9:15pm