



## VILLAGE OF PORT ALICE REPORT TO COUNCIL

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**To:** Mayor & Council  
**From:** Bonnie Danyk, CAO / CFO  
**Date:** April 11, 2022  
**Subject:** Structures on Boulevard

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On August 7, 2021 Tanya forwarded me an email from Kelly Lauzon at 1154 Haida requesting permission to build stairs and a landing on our boulevard adjacent to their property. I responded to the email on August 9 letting Kelly know that building a structure on our boulevard would not be permitted. The email also mentioned that there are utility lines under the boulevard.

Towards the end of August, Sylvain Desrochers came into the office to ask Jason and I about building stairs on our boulevard and I told him that it would not be permitted. On September 17, 2021 Public Works advised me that the stairs had been installed.



On September 17, 2021 I sent a letter (which included Boulevard Maintenance Bylaw No. 645 and Parking and Traffic Control Bylaw No. 667) to Kelly and Sylvain advising them that the stairs would have to be removed by September 27, 2021. The letter also stated that their Air BnB customers should not park on Village property. On September 27, 2021 the boulevard was checked, and the stairs had been removed.

On March 24, 2022 I was advised that the stairs had been rebuilt on our boulevard and a parking pad had been added. On March 25, 2022 I sent a letter to Kelly and Sylvain advising them that the stairs and the parking pad would have to be removed by April 5, 2022.



On April 4, 2022, Tanya received an email from Kelly asking for an extension and a request to speak to Council. The extension was granted, and Kelly and Sylvain were added as a delegation to the April 13, 2022 Council Meeting.

The enforcement of Bylaw was discussed at the Public Works Committee meeting on April 7, 2022 and I was asked to provide more information regarding the Village's liability if we permitted the structures to stay.

I contacted the Municipal Insurance Association of BC who holds our liability insurance and received the following information:

Given that the land belongs to the Village if the structures were to cause an injury there may be some liability on the part of the Village. This would increase if the property owner did not have adequate insurance.

MIA BC advised that if the Village were to allow the structures to stay that we should have an agreement in place that includes indemnity language. We should also ask for proof on insurance and request that the Village be added as an additional insured on the business' liability insurance.

MIA BC also suggested that another option would be for the Village to allow the structures to stay and take on the inspection and maintenance of them and charge the property owners. If we decided to do this a maintenance policy would need to be created.

MIA BC also suggested that any agreement with the property owner be reviewed by our Municipal solicitor.

It was suggested at the Public Works Committee meeting that the Bylaw be changed to allow property owners adjacent to our boulevard to build on them provided standards were met. I would recommend that any structures be build to the BC Building code. Considering this or that the Village may take possession of the structures I asked our Building Inspector to see if they were built to the BC Building code. They are not:

- The maximum rise for a public stair is 7 inches, the stair measurement was approximately 9 ¾ inches (non-compliant).
- the run of the stairs meets the minimum BCBC requirements, but the stair treads need to be slip resistant.
- any designated walking surface that's within a slope of greater than 1 in 2 requires a handrail / guardrail.
- the wood retaining wall needs to be designed to resist the lateral force of the retained material and the surcharge (vehicles etc.) consult with a Geotechnical Engineer.

In their letter to Council the property owners mentioned that many property owners have vehicle and boats parked on the boulevards in front of their properties. The Village does allow property owners to park insured vehicles on our boulevards if there is room.

**RECOMMENDATION:** *THAT due to liability risk, the expenses of legal advice and staff time to transfer the structures and the non-compliance with the BC Building Code, the Village of Port Alice leave Bylaw 645 and 677 as is and enforce the requirement for the property owners to remove the structures build on Village property.*

Respectfully submitted,

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Bonnie Danyk  
CAO / CFO

NOTE: BC Hydro and Telus were contacted regarding their underground wires, but have not replied as of the date of this report.