

From: [Leah Bell](#)
To: [Council](#)
Cc: [Kathy Whitcher](#)
Subject: Property Maintenance and Nuisance Regulation Bylaw: Correspondence
Date: February-26-24 10:14:52 AM
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[UDI Esquimalt PropMainNuisRegBylaw Letter 26FEB24.pdf](#)

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Hello Mayor and Council,

Attached is a letter for consideration from the Urban Development Institute Capital Region in response to the proposed amendments to the Property Maintenance and Nuisance Regulation Bylaw.

Thank you for this opportunity to provide comments.

Kindest regards,

Leah Bell, she/her
Policy & Corporate Relations



447 Herald Street
Victoria, BC V8W 3N8



February 26, 2024

Mayor and Council
Township of Esquimalt
1229 Esquimalt Rd
Esquimalt, BC
V9A 3P1

Re: Bylaw No. 3133, Proposed Amendments to the Maintenance of Property and Nuisance Regulation Bylaw (A Bylaw to Amend Bylaw No. 2826)

Dear Mayor and Council Members:

I am writing on behalf of the Urban Development Institute Capital Region (UDI-CR) to express concerns and offer recommendations regarding Bylaw No. 3133, Proposed Amendments to the Maintenance of Property and Nuisance Regulation Bylaw No. 2826, with the overarching goal to ensure a balance between meeting the Township of Esquimalt's (the Township's) mandated housing targets and serving the needs of our community.

UDI-CR would like to address some overarching concerns regarding the proposed bylaw's impact on construction activities. While our industry understands the need to regulate construction noise and maintain community standards, and to periodically update bylaws for housekeeping purposes and changes in best practices, it is also important to not penalize responsible builders for isolated actions and non-compliance by specific contractors.

Rather than altering a bylaw in response to individual cases, we also urge you to consider alternative measures, such as increased enforcement through bylaw infraction tickets, to address non-compliance. By maintaining the current framework and enforcing regulations effectively, we can uphold community standards without impeding legitimate construction activities and preserve the integrity of the existing bylaw.

It would be negligent to not recognize that we are amid a housing crisis and have been for several years now. Given the new provincial policies and regulations, specifically the *Housing Supply Act*, this appears to be the wrong time to be restricting construction

activity. We should focus on enhancing our capacity to increase home construction rather than inhibiting it.

After review and evaluation of the current (No. 2826) and proposed bylaws (No. 3133), UDI-CR has identified several areas that warrant consideration for amendment:

Section 2.(2) Statutory Holiday

- Evaluation
 - The current definition of "Statutory Holiday" does not align with the statutory holidays recognized by the Province of British Columbia (B.C.). Specifically, Easter Monday and Boxing Day are not considered statutory holidays in B.C.
- Recommendation
 - Revise this section to align with B.C.'s definition of Statutory Holiday or retain the definition as Holiday as before.

Section 2.(3)18.(1) Permitted Hours

- Evaluation
 - The hours between 7:00 am and 7:00 pm, Monday through Friday, do not optimize the use of daylight hours for construction and yard maintenance activities.
- Recommendation
 - Revise to allow activity and noise between the hours of 7:00 am and 8:00 pm on weekdays (Monday through Friday).

Section 34 Noises, Sounds, and Conduct

- Evaluation
 - Noise/sound thresholds are not identified to trigger penalties and warnings. Bylaw officials are not required to measure emitted noise/sound to support issuance of warnings and/or penalties.
- Recommendation
 - Specify the noise/sound threshold, measured in decibels (dB), that triggers warnings and penalties in the Bylaw. Additionally, Part IV should require bylaw enforcement officials to measure the emitted noise or sound to support the issuance of warnings and/or penalties.

Section 35 Exemptions

- Evaluation
 - Exemptions are not aligned with the practices in neighbouring municipalities.
- Recommendation
 - Align with neighbouring municipalities and amend this section to allow for construction noise exemptions when permitted by the Township and include an explanation from the applicant regarding the necessity of the exemption outside permitted hours, along with proposed notifications to alert neighbors. This approach aims to provide more flexibility than currently allowed and could be integrated into the existing process described in item 36(1)(a), potentially reducing appeals to Council per section 42.

In closing, UDI-CR urges the Mayor and Council Members to carefully consider the recommendations provided, maintaining a balance between regulatory enforcement, and facilitating responsible construction activities. As we navigate the housing crisis and adapt to new provincial policies, it is essential to prioritize measures that foster increased home construction while upholding community standards.

We appreciate your attention to these critical matters and trust that you will carefully consider the recommendations presented herein for the benefit of our community. Please feel free to contact me if you require any further information or clarification.

Sincerely,



Kathy Witcher
Executive Director
UDI Capital Region

Cc: Bill Brown