

May 20, 2021, 6:12 pm

UBCM Responds to Penticton Letter, Urges Provincial Collaboration with Local Governments

City of Penticton

PENTICTON - In response to Penticton City Council's April 13, 2021 request, Union of BC Municipalities President, Brian Frenkel, has written a [letter](#) to the Attorney General and Minister Responsible for Housing, David Eby, urging the Province to commit to working in collaboration with local governments within the boundaries of their respective jurisdictions.

Sent May 19, 2021, Mr. Frenkel's letter acknowledges [concerns expressed by Mayor John Vassilaki](#) regarding Minister Eby's use of Provincial Paramountcy to overrule Council.

"We are concerned that the application of statutory immunity sets a dangerous precedent and undermines local government autonomy as established in legislation. The Community Charter confirms that municipalities and their Councils are an order of government within their jurisdiction that is "democratically elected, autonomous, responsible and accountable" and must operate under strict statutory conditions associated with public consultation and public interest. Furthermore, the Local Government Act grants local governments the powers and flexibility required to respond to the needs of their communities within that mandate." stated Mr. Frenkel.

The letter concludes by inviting Minister Eby to join UBCM in exploring a dispute resolution mechanism that could be used as an alternative to the application of statutory immunity.

"I appreciate Mr. Frenkel sending his message of collaboration to Minister Eby," said Penticton Mayor, John Vassilaki. "Council is elected locally, they are accountable locally and the sites for housing shelters like 352 Winnipeg Street should be decided locally. As the province has overridden local housing decisions elsewhere in BC, Penticton City Council is standing up to defend local autonomy and the ability for our residents and businesses to have a say in what's best for their community."

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April 13, 2021

President Brian Frenkel
c/o Union of British Columbia Municipalities
525 Government Street
Victoria, BC V8V 0A8

Re: B.C. Government's Use of Provincial Paramountcy to Undermine Local Government Bylaws

Dear President Frenkel:

On behalf of Penticton City Council, I am requesting the Union of British Columbia Municipalities write a letter to Premier John Horgan requesting the reconsideration of invoking Provincial Paramountcy as it relates to the violation of Penticton City Council's authority and the City of Penticton's Zoning Bylaws at 352 Winnipeg Street, Penticton, BC.

The following is a timeline of events:

- When COVID-19 struck in March, 2020 many facilities that provided showers, laundry services, and meals to our most vulnerable in our community had to close and/or adapt. The City via its Emergency Operations Centre (EOC), Emergency Management BC and BC Housing worked together to find a temporary "hygiene station" and isolation shelter for anyone that was needing to isolate during COVID.
 - 352 Winnipeg Street was not an ideal site for a hygiene station as it was adjacent to two seniors' homes. However, as the site contained a vacant and free standing building that could quickly be fitted for a hygiene station, the EOC supported and worked with BC Housing to quickly stand-up the hygiene station.
- In September, 2020 BC Housing approached the City to turn the isolation shelter into a 42 bed Temporary Emergency Winter Shelter. This use was contrary to City Zoning Bylaws and although met with trepidation from the neighbourhood, Council ultimately approved a Temporary Use Permit (TUP) for the isolation shelter to be converted and operate as Temporary Winter Shelter until April 1, 2021.
 - Video of the lengthy Council debates from our October 6th and 20th, 2020 meetings can be found on our website to better understand how clear individual Council members were that this was not an appropriate location, but that in the midst of the pandemic, they would grant a TUP on this one occasion.

- In March 2021, BC Housing sought an extension to this TUP until March 31, 2022 in effect changing the use from a temporary, emergency winter shelter to a year round shelter. Council denied this request based on zoning bylaws and the previous clearly communicated unsuitability of this location.
 - Via resolution, Council further directed Penticton's Safety and Security Advisory Committee to develop location selection criteria for a new, permanent winter shelter for Penticton.
 - Council initially learned of the Province's interests in exploring the use of paramountcy via an interview on Global news with Minister David Eby, who had met with Council twice early in the year to discuss a supportive housing project at 3240 Skaha Lake Rd., Penticton, BC.
- Again in March, BC Housing stated their intention to continue operations of the facility "on a balance of convenience" and asked Council to reconsider. Having been presented no alternate location as requested or new information; based on zoning bylaws and the previously communicated unsuitability of this location Council did reconsider the request and again denied the request.
 - Via resolution, Council further directed staff to work with BC Housing to find alternate solutions.
- At the writing of this letter, 352 Winnipeg now operates in contravention of the City of Penticton bylaws as a newly established year round shelter following the threat of Provincial Paramountcy.

While the issue at hand is a matter of land use and planning, it is important to note according to data provided directly from the current Minister responsible for Housing to City Council, Penticton has the highest number of supportive housing beds per capita in the Interior region. Each of these beds was developed with Penticton City Council's input and with respect for their role in the local decision making process.

In closing, Penticton City Council is hoping Minister David Eby, whom has invoked paramountcy on behalf of the Province, or Premier John Horgan as the head of a Government that promised to work collaboratively with Local Governments, reconsiders their position and adheres to our City's bylaws. As this could happen to any one of the other 188 local governments in B.C., we ask that the Union of British Columbia Municipalities, on behalf of its membership, request Premier John Horgan reconsider the use of Provincial Paramountcy with respect to 352 Winnipeg Street, Penticton, BC.

Yours truly,

John Vassilaki

Mayor

cc. Penticton City Council
 Donny van Dyk, Chief Administrative Officer
 Dan Ashton, Member of Legislative Assembly
 BC Local Government Elected Officials



PEACE RIVER REGIONAL DISTRICT

Date: May 10, 2021

File:0400.50-5

President Brian Frenkel
c/o Union of British Columbia Municipalities
525 Government Street
Victoria, BC V8V 0A8

Via Email: ubcm@ubcm.ca

Dear Mr. Frenkel:

RE: B.C. Government's Use of Provincial Paramountcy to Undermine Local Government Bylaws

At the April 29, 2021, Regional Board Meeting, the Peace River Regional District (PRRD) Board received and discussed the correspondence dated April 13, 2021, that was provided to you from the Mayor's Office of the City of Penticton regarding the violation of the City of Penticton's Zoning Bylaws at 352 Winnipeg Street.

The PRRD is concerned with this situation and respectfully requests that the Union of BC Municipalities forward a letter to the Honourable John Horgan, Premier of BC, to request that the invoking of Provincial Paramountcy, as it relates to the violation of the Penticton City Council's authority and the City of Penticton's Zoning Bylaws at 352 Winnipeg Street, Penticton, BC, be reconsidered.

Yours truly,

Brad Sperling,
Chair

c: Mr. Dan Davies, North Peace MLA, via email: Dan.Davies.MLA@leg.bc.ca
Mr. Mike Bernier, South Peace MLA, via email: Mike.Bernier.MLA@leg.bc.ca
Mr. Bob Zimmer, MP for Prince George-Peace River-Northern Rockies, via email:
Bob.Zimmer@parl.gc.ca
City of Penticton, via email: council@penticton.ca

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PLEASE REPLY TO:

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