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CITY CLERK'S DEPARTMENT
Public Access and Council Services

MEMORANDUM

VanRIMS No.: 07-2400-10

March 3, 2008

TO: Vancouver City Council
FROM: Laura Kazakoff, Meeting Coordinator
SUBJECT: 2008 LMLGA Resolutions

The attached resolutions have been received from Engineering Services, Vancouver Police Department, and the Vancouver Athletic Commission for Council's consideration on March 11, 2008. The resolutions, if approved by Council, will be submitted to the LMLGA by March 28, 2008, for consideration at its AGM and Convention to be held May 7-9, 2008.

SUBJECT	SUBMITTED BY
BC Hydro and Graffiti Removal	General Manager, Engineering Services
Unbundled Parking Requirement	General Manager, Engineering Services
"Non-Returnable" Warrants	Chief Constable, Vancouver Police Department
Care for "Dually Diagnosed" Mentally Ill	Chief Constable, Vancouver Police Department
Provincial Sanctioning Body for Professional Combat Sports	Vancouver Athletic Commission

WHEREAS municipalities expect all owners of real property, including other government bodies, to exercise good citizenship by removing unsightly accumulations of graffiti from their property.

AND WHEREAS municipalities with graffiti by-laws require owners of real property to remove unsightly accumulations of graffiti from their property.

AND WHEREAS British Columbia Hydro and Power Authority ("BC Hydro"), which owns statutory rights-of-way on which it locates kiosks, except in limited circumstances, refuses to remove graffiti from those kiosks.

AND WHEREAS according to BC Hydro, the Hydro and Power Authority Act provides that the Vancouver Charter, Local Government Act and Community Charter do not bind BC Hydro, and, hence, that municipal graffiti by-laws do not bind BC Hydro.

THEREFORE BE IT RESOLVED that the UBCM urge the Government of British Columbia to amend the Hydro and Power Authority Act to provide that municipal legislation is to bind BC Hydro to the extent of any by-law that requires owners or occupiers of real property to remove unsightly accumulations of graffiti from their property.

WHEREAS the Provincial Greenhouse Gas (GHG) Reduction Targets Act requires a GHG emission reduction of 33% from 2007 levels by 2020, and a reduction of 80% from 2007 levels by 2050, with legislated targets for 2012 and 2016 to be put in place by December 31st, 2008.

AND WHEREAS sixty British Columbia (B.C.) local governments signed a Climate Action Charter with the Province and with the Union of BC Municipalities in 2007 to develop strategies to become carbon-neutral by 2012 and to create compact energy-efficient communities by making environmentally responsible choices.

AND WHEREAS B.C. municipalities have jurisdiction over land use and parking regulation to achieve community goals such as GHG emission reductions.

AND WHEREAS B.C. municipalities do not currently have the authority to require developers to provide unbundled parking (i.e., the separation of the sale price for a parking space from the sale price for a freehold or leasehold property or strata lot) in new developments, which would provide home-buyers with purchasing flexibility and greater transparency regarding the cost of parking, and would lead to more informed decision making about vehicle ownership and usage.

AND WHEREAS if the authority is provided to B.C. municipalities to require developers to unbundle parking, they have the option to exercise that authority as they deem appropriate.

THEREFORE BE IT RESOLVED that the UBCM requests the Province to make the necessary legislative changes to provide B.C. municipalities the authority to have the option to require unbundled parking in new developments, in support of sustainability commitments.

UNBUNDLED PARKING REQUIREMENT

Background

The City of Vancouver and the Province of British Columbia recognize the importance of sustainable transportation in urban centres and elsewhere with the transportation sector accounting for about 40 per cent of all GHG emission in the Vancouver region. In January 2008, the Province announced a \$14 billion public transit plan to reduce Provincial transportation GHG emissions.

In July 2007, Vancouver City Council approved the submission of a number of Vancouver Charter Amendment Proposals to the Province for consideration, including the authority to have the option to require unbundled parking in new developments. The Province indicated that the unbundled parking component would require legislative changes that affect all municipalities and therefore recommended additional consultation with other municipalities and the development industry.

Unbundled parking refers to the separation of the sale of strata units and their assigned parking spaces in new developments. Unbundling parking provides home-buyers with the flexibility and choice of deciding whether they wish to purchase a parking stall in conjunction with their strata unit. This flexibility creates greater transparency regarding the cost of parking and would lead to more informed decision making about vehicle ownership and usage. It also encourages market-based pricing for off-street parking spaces.

The City of Vancouver is interested in unbundled parking because it is consistent with its sustainability initiatives of reducing car usage and greenhouse gas emissions. It could also increase housing affordability if home-buyers are not required to purchase a parking space with a strata unit. Currently the City of Vancouver does not have the authority to require developers to provide unbundled parking. Without this authority, the idea of providing unbundled parking to the general public will not likely succeed because it would depend on developers to voluntarily unbundle parking. Therefore, the City of Vancouver is seeking the authority, through Provincial legislative changes, to require developers to unbundle parking. With this authority, the City would undertake a consultation process with developers and other stakeholders to determine the appropriate circumstances and conditions in which unbundled parking could be required.

In an effort to consult with other Metro Vancouver municipalities, a joint working group on unbundled parking was established through Metro Vancouver's Technical Advisory Committee and TransLink's Major Roads and Transportation Advisory Committee. Through this process, municipalities have indicated that they are supportive of the proposal, particularly given the fact that municipalities have the option to exercise the authority to require unbundled parking in new developments as they deem appropriate. Discussions with other stakeholders have also been initiated. While representatives from the Urban Development Institute (UDI) support the provision of unbundled parking on an incentive voluntary basis only, representatives from the Real Estate Board of Greater Vancouver (REBGV) are not supportive because widespread unbundled parking may create unacceptable consequences for strata unit owners, such as diminished parking security or loss of control of their parkades.

"NON-RETURNABLE" WARRANTS

City of Vancouver

WHEREAS it is recognized that police officers throughout the Lower Mainland often come into contact with persons wanted on warrants, where the radius of the warrant is outside of their jurisdiction, and unless the jurisdiction issuing the warrant agrees to provide for transportation, these individuals will likely not ever be held accountable for the offence;

AND WHEREAS it is further recognized that police officers are rarely successful in returning these persons to the issuing jurisdiction because the legal procedures for doing so are excessively cumbersome, time-consuming, and expensive;

THEREFORE BE IT RESOLVED THAT the LMLGA call upon British Columbia's Attorney General and Solicitor General, and the Federal Minister of Justice and the Minister of Public Safety to implement a program to assume responsibility for the return of persons wanted on warrants, where the radius of the warrant is outside of their jurisdiction, thereby enabling an operationally practical and cost-effective transportation policy, and ensuring these individuals cannot bring the administration of justice into disrepute by simply fleeing to another jurisdiction.

“NON-RETURNABLE” WARRANTS

Background

When it is determined that a warrant for the arrest of a person charged with a criminal offence is required, the Criminal Code places the authority to issue the arrest warrant in the hands of a Provincial (or Supreme) Court Judge in the jurisdiction where the offence is alleged to have occurred. Warrants issued on provincial court are generally not executed (meaning the person is not arrested) unless the accused is found within that province. As a result, these warrants are referred to as “non-returnable” in other provinces.

Every policing jurisdiction in Canada has contact with individuals wanted on “non-returnable” warrants. These warrants are generally not executed unless the issuing police service agrees to transport the offender back to their jurisdiction. Due to a multitude of factors, including cost and unfamiliarity with the procedure for arresting these individuals outside of the issuing jurisdiction, these offenders are rarely taken into custody and transported back to answer to the charges from other jurisdictions. As a result, police officers throughout Canada continue to have contact with offenders who have outstanding warrants for their arrest, but do not pursue any course of action.

In Vancouver and most other cities, this circumstance is a routine and frustrating reality for patrol officers. To highlight this issue, in 2006 a study¹ by the Vancouver Police Department examined the use of ‘non-returnable warrants’ over a one month period in six jurisdictions across Canada². Altogether, 1,614 contacts were made with 760 individuals who accounted for a total of 1,598 ‘non-returnable warrants’. The majority of the outstanding warrants were issued by either Alberta (37%) or Ontario (30%). In general, all provinces issued province-wide warrants, with the exception of Ontario, where nearly all warrants (98%) were for an area smaller than the jurisdiction of the province. The study further indicated that Vancouver patrol officers made up to 48 contacts per day with individuals wanted on charges from outside the province.

The scope of the problem is much more than merely an individual attempting to evade prosecution of a minor administrative offence. Commonly these individuals are fleeing prosecution for serious assaults, drug offences, property crime charges, or they are habitual offenders with significant social support needs. The Vancouver subjects with outstanding warrants from other jurisdictions, on average had over 20 criminal convictions, 72% had an admitted drug addiction, and over half were receiving welfare benefits. The resources consumed by these individuals in terms of policing, the Health system, social services and other support agencies are significant. When asked, over 90% of these individuals admitted that they had knowledge of the warrant for their arrest, and 36% admitted to leaving the warrant jurisdiction in order to avoid prosecution. It is reasonable to assume that every police service has similar experiences to that of Vancouver’s, and the use of a local municipality’s resources to manage and provide support for these individuals is difficult to justify.

The borders between provinces should not be a means by which offenders can flee the proper administration of justice. However, concerns related to cost, convenience and convention continue to be persistent obstacles to the return of persons wanted on warrants elsewhere. Although the Vancouver Police Department has embarked upon a pilot project to send these individuals back, at its own cost, it should be incumbent upon the federal government to assume responsibility for the interprovincial return of persons subject to such warrants.

¹ Study conducted in March 2006 by the Planning, Research & Audit Section of the Vancouver Police Department.

² Vancouver, Edmonton, Winnipeg, Regina, Toronto and Halifax

WHEREAS it is well-documented that the deinstitutionalization of the mentally ill and the emergence of a large number of "dually diagnosed" (mentally ill and drug addicted) people have resulted in thousands of mentally ill people living extremely marginalized and tragic lives in the Downtown Eastside of Vancouver, as well as in other communities in BC, and;

WHEREAS it has been demonstrated that approximately one third of police-attended incidents in the City of Vancouver involve a person whose mental health was a contributing factor to police attendance, that equates to approximately \$9 million per year in police resources consumed because of the lack of capacity in the mental health system;

THEREFORE BE IT RESOLVED that the LMLGA request that the Provincial Government of B.C. take all necessary steps to expedite the provision of resources to ensure the mentally ill - particularly those who are dually diagnosed - are provided adequate care in the Health system to allow for proper treatment and dignified living circumstances, and to reduce the draw on municipally funded police resources.

CARE FOR “DUALY DIAGNOSED” MENTALLY ILL

Background

Anecdotal observations of calls for police service in the City of Vancouver, in the first eight months of 2007, suggested a marked increase in calls involving people who are mentally ill. Specifically, a significant number of disturbances, minor property offences, aggressive panhandlers, and similar incidents that contribute to disorder and perceptions of a lack of safety in some communities were believed to be attributable to mentally ill people. Additionally, there were a number of suicides and other tragic incidents involving mentally ill people that drew the attention of the VPD Executive, who were interested in knowing if this perceived increase was reality, what the causes were, and what could be done in response.

As a result, a research project was conducted over a sixteen-day period from September 9, 2007 to September 24, 2007, that analyzed police incidents involving persons who were identified as possibly suffering from the effects of a mental illness. Patrol officers documented all incidents where they believed that the mental health of an involved person was a factor in police attendance. Findings of the study documented a total of 1,154 calls for service, of which 31% involved at least one mentally ill person. In some areas of the city this figure rose to almost half of all incidents where police made contact with an individual.³

A conservative economic analysis suggests that police time spent dealing with incidents where a person's mental illness was a contributing factor in police attendance is equivalent to 90 full-time police officers, at an annual cost of \$9 million. This would not include indirect policing costs, or the costs to other agencies such as the ambulance service, hospitals, or the court system.

There are several possible contributing factors to the excessive police interactions with mentally ill individuals. These include: a mental health system that has not kept pace with the loss of resources in the wake of deinstitutionalization; a profound absence of information sharing between mental health resources in the Lower Mainland; and an unwillingness on the part of service providers to fully utilize the provisions of the *Mental Health Act*, due to a lack of available resources and/or personal ideology. Services are particularly sparse for people who are mentally ill and also addicted to illicit drugs or alcohol. In effect, patrol officers have become front line mental health responders. For example, in 2007, there were 1,744 incidents where an individual was arrested under the provisions of the *Mental Health Act*. The options available to those patrol officers, when interacting with a person who is perceived to be mentally ill, are limited to institutions (jail, court, hospital) that are struggling to accommodate people for whom they lack capacity and/or were not designed to manage.

In particular, the Downtown Eastside of Vancouver illustrates what happens when people, who need various levels of community support, are left to fend for themselves. Drawn by the least expensive accommodation and access to a wide array of supportive services, many of the vulnerable residents of this area are often the victims of predatory drug dealers, abusive pimps and unethical landlords who take advantage of their vulnerabilities. These residents are consequently drawn into, and become trapped in, a lifestyle centered around criminal activity and therefore come into frequent contact with police. The police are then often forced to rely on the provisions in the *Criminal Code* to address complaints about these

³ Wilson-Bates, Fiona. (2008) *Lost in Transition: How a Lack of Capacity in the Mental Health System is Failing Vancouver's Mentally Ill and Draining Police Resource*, a report for the Vancouver Police Board.

individuals, in the absence of an acceptable response from hospitals to address the individuals' underlying mental health issues.

Current research supports the view that there is a profound lack of capacity in mental health resources in Vancouver. The result is an alarmingly high number of calls for police service to incidents that involve mentally ill people in crisis. Vancouver Police Department officers, along with the mentally ill citizens with whom they come in contact, are bearing the burden of a mental health system that lacks resources and efficient information sharing practices, often with tragic consequences. Therefore, the Vancouver Police Department requests that the Provincial Government of B.C. take all necessary steps to expedite the provision of resources to ensure the mentally ill - particularly those who are dually diagnosed - are provided adequate care in the Health system, to allow for proper treatment and dignified living circumstances, and to reduce the draw on municipally funded police resources

PROVINCIAL SANCTIONING BODY FOR PROFESSIONAL COMBAT SPORTS City of Vancouver

BE IT RESOLVED that the Union of BC Municipalities request that the Province of British Columbia establish a provincial body for the purpose of regulating and supervising professional boxing, kick-boxing, wrestling, ultimate fighting, and mixed martial arts contests and exhibitions.

PROVINCIAL SANCTIONING BODY FOR PROFESSIONAL COMBAT SPORTS

Background

There are several municipal commissions in British Columbia which fulfill an important function in regulating, controlling, and supervising professional boxing, wrestling and kickboxing competitions in their respective municipalities. The Vancouver Athletic Commission, for example, consists of five board members, all of whom are appointed annually by City Council and serve without remuneration. As a Council advisory committee, the Commission exercises its delegated authority of the City.

Boxing, wrestling, and kickboxing are often referred to as 'combat sports'. However, combat sports have grown to include ultimate fighting and mixed martial arts contests. Meanwhile, combat sports have been growing in popularity throughout the province. A provincial commission is better positioned to regulate combat sports throughout British Columbia.

The Vancouver Athletic Commission has recommended through the years that a provincial body be established for the purpose of regulating and supervising professional combat sport contests and exhibitions, due to concerns about unregulated fight cards taking place and that suspended fighters and promoters from regulated events could ignore a suspension and proceed to participate in nearby jurisdictions. The Commission has noted professional fights which take place without proper supervision, medical checks, refereeing or judging are placing participants in serious jeopardy, and possibly without assurance that fighters and officials will be paid for their "contracted" purses or services, as well as presenting potential legal challenges.