



## REPORT

Report Date: February 15, 2023  
Contact: Chris Robertson  
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RTS No.: 15324  
VanRIMS No.: 08-2000-20  
Meeting Date: March 7, 2023  
[Submit comments to Council](#)

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Amendments to Model Business Improvement Area (BIA) Grant Allocation By-law

### **RECOMMENDATION**

THAT the Model BIA Grant Allocation By-law be amended as set out in Appendix D.

### **REPORT SUMMARY**

The Model BIA Grant Allocation By-law (Model By-law) functions as a template for the wording of each BIA-specific Grant Allocation By-law Council enacts when a BIA is established or renewed. This allows each BIA-specific by-law to set out current standards when enacted at the time of BIA renewal. The process of updating BIA-specific by-laws ensures that the operations of individual BIAs continue to meet City expectations and are consistent amongst one-another over time.

The Model By-Law is updated from time to time to address issues identified by the City or the Vancouver BIA Partnership. The most recent update was approved by Council in 2017. The Vancouver BIA Partnership and City of Vancouver have collaborated to identify several potential amendments to the Model By-Law for Council consideration.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

#### *Grant Allocation By-laws and Model By-law*

*Vancouver Charter* section 457(1) provides that:

Where Council has, by by-law, established a business improvement area it may, by one or more by-laws:

- (a) name the applicant to whom the money will be granted, and
- (b) require that the money granted shall be expended only
  - (i) by the applicant to whom the money is granted, and
  - (ii) in accordance with the conditions and limitations set out in the by-law and for a business promotion scheme set out in the by-law.

As provided in Section 457(1)(b), Council has enacted Grant Allocation By-laws for each BIA setting out conditions and limitations governing BIA operations:

- at the time a BIA is first established; and
- on re-establishment (renewal) of a BIA after a set term.

Although each by-law is specific to a BIA, the content of each by-law is identical except for the name of the BIA and its managing society.

In 2015, Council approved the first Model By-law to facilitate changes to the text of BIA-specific Grant Allocation by-laws enacted over time. The Model By-law provides:

- a vehicle for Council approval of updates to the conditions and limitations governing BIA operations; and
- a template for drafting each of the BIA-specific Grant Allocation by-laws for BIA renewals and for new BIAs.

In 2017, Council approved the second Model By-law, incorporating further updates to the conditions and limitations for BIA operations (Appendix A).

### Freedom of Information and Protection of Privacy

In 2000, Council adopted the *Policy Regarding Release of Property and Business Owner Information Related to the Establishment and Operation of Business Improvement Areas (BIAs) in the City of Vancouver (Appendix E)*. This policy provides an exception to the Freedom of Information and Protection of Privacy Act (FOIPPA) to permit records of BIA property owners and businesses to be provided to BIA management for member notifications. The policy sets out conditions on the use and disposition of the information.

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

### **REPORT**

#### ***Background/Context***

#### Model BIA Grant Allocation By-law and BIA-specific Grant Allocation By-laws

Council enacts a specific Grant Allocation By-law for each BIA at the time of formation and for subsequent BIA renewals. The 22 Grant Allocation By-laws have standard requirements setting

out the conditions and limitations of the 'recoverable grant' paid to each of the BIA managing societies. The grant, which is recovered through a special property tax levy, provides the bulk of the operational funding for each of the BIAs.

The Model BIA Grant Allocation By-law (Model By-law) functions as a template for the BIA-specific Grant Allocation By-law Council enacts when a BIA is established or renewed. If the Model By-law has been amended since a BIA's last renewal, the BIA's next BIA-specific Grant Allocation By-law will follow the amended Model By-law.

### History of the Model By-law and amendments

In 2015, City staff, in consultation with the BIAs, undertook significant revisions to the wording to be used in the BIA-specific Grant Allocation By-laws. Under the *Vancouver Charter*, the BIA-specific By-laws cannot be amended during the term of the By-law, or repealed; therefore, any revisions must await expiry of the existing By-law. In practice, as the BIAs have different inception dates and renewal terms, incorporation of any revised provisions is staggered. This is why a template or 'model' by-law is required to guide the drafting and enactment of BIA-specific Grant Allocation By-laws.

The Model by-law was first adopted in 2015. Council adopted minor amendments in 2017. The current (2017) Model By-law is attached as Appendix A.

Staff anticipate that the Model By-law will require minor amendments from time to time as needs arise. If Council approves the Recommendation in this report, the amended Model By-law would become the current template for drafting and enactment of each BIA-specific Grant Allocation By-law going forward.

Five years have elapsed since 2017 when Council last amended the Model By-law. While the By-law is working well, engagement with BIA leadership has confirmed that there are several items that should be addressed at this time.

### **Strategic Analysis**

The purpose of the proposed Model By-law amendments are to:

- ensure that BIA managing societies' by-laws contain provisions for distribution of unspent grant money in the event of the society's dissolution;
- ensure that provisions in existing or proposed BIA managing societies' by-laws:
  - do not create inequitable voting rights,
  - do not permit elected directors to receive salaried remuneration, and
  - do not limit the ability to conduct virtual meetings;
- clarify that a 'business promotion scheme' may include the provision of grants to BIA owners and businesses;
- clarify that the grant (levy) money received from the City need only be maintained in a separate ledger or sub-ledger, and need not be kept in a separate bank account;
- provide requirements for the use, storage and disposition of personal information that may be contained in commercial property owner and business license records provided to a BIA under Council policy; and
- address and clarify other minor issues relating to administration of the Grant Allocation By-laws.

Wording of the current Model By-law is provided in Appendix A. The table in Appendix B provides an outline of the proposed amendments and rationale. Appendix C provides a side-by-side comparison of the current and proposed By-law sections. The amended Model By-law for Council approval is attached as Appendix D. The Council *Policy Regarding Release of Property and Business Owner Information Related to the Establishment and Operation of Business Improvement Areas (BIAs) in the City of Vancouver* is attached as Appendix E.

The proposed amendments to the Model By-law were developed in collaboration with the Vancouver BIA Partnership, and the Partnership supports all of the proposed amendments.

### ***Implications/Related Issues/Risk***

#### ***Financial***

There are no financial implications, but the proposed amendments would clarify financial accountability expectations between the City and its BIA partners.

#### ***Legal***

There are no legal implications, but the proposed amendments would clarify legal expectations and requirements between the City and its BIA partners.

### ***CONCLUSION***

The Model Grant Allocation By-law (Model By-law) functions as a template for the wording of the BIA-specific Grant Allocation By-law Council enacts when a BIA is established or renewed. The BIA-specific Grant Allocation By-laws must conform to the wording of the Model By-law.

The Model BIA Grant Allocation By-law was adopted by Council in 2015 and amended in 2017. The Vancouver BIA Partnership and the City of Vancouver have collaborated on the adjustments to the Model BIA Grant Allocation By-law presented in this report.

\* \* \* \* \*

**CURRENT MODEL BIA GRANT ALLOCATION BY-LAW (2017)**

BY LAW NO. \_\_\_\_\_

**A By-law to Grant Money for a Business Promotion Scheme  
in the XXXX Business Improvement Area**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. The name of this By-law, for citation, is the “XXXX Business Improvement Area Grant Allocation By-law”.
2. In this By-law:

“accountant” means a member in good standing, or a partnership whose partners are members in good standing, of the Chartered Professional Accountants of British Columbia and who is authorized to carry on public practice;

“Association” means the XXXX Business Improvement Association;

“audited financial statements” mean financial statements that have been audited by an accountant and that include a Statement of Financial Position, a Statement of Revenue and Expenditures, a Statement of Cash Flows, a Statement of Retained Earnings or Equity, and a separate schedule for grant money and revenue derived from grant money;

“budget” means a budget based on a fiscal year commencing April 1, containing information sufficient in detail to describe anticipated expenses and revenues, including anticipated non-grant expenses and revenues, and that has been approved at a general meeting of the Association;

“business improvement area” means the area of the city designated by Council as the XXXX Business Improvement Area;

“business promotion scheme” means a business promotion scheme as defined in section 455 of the Vancouver Charter;

“declaration of meeting” means a document that includes a copy of the draft minutes of a general meeting, together with a declaration that all persons eligible to be BIA members were notified of the meeting, the meeting was duly convened and conducted, a quorum was achieved and maintained, and, in the case of an annual general meeting, that the budget and audited financial statements were approved;

“Director” means the Director of Finance appointed by Council and any person authorized to act on behalf of the Director of Finance;

“grant money” means any money granted to the Association by Council pursuant to this By-law;

“list of directors” means a list of the names and executive positions of continuing and newly elected directors, together with contact information for one director;

“owner” means all persons who own class 5 or class 6 properties in the business improvement area;

“summary budget” means a budget in a form satisfactory to the Director; and

“tenant” means all persons who lease class 5 or class 6 properties in the business improvement area.

3. Subject to the XXXX Business Improvement Area Designation By-Law, the terms and conditions set out in this By-law, and Council’s approval of the budget referred to in section 4, Council, by annual resolution, may grant money to the Association at such times and in such amounts as Council determines.
4. The grant money may be paid to the Association, subject to the following conditions:
  - (a) the Association must have as one of its aims, functions or purposes the planning and implementation of a business promotion scheme;
  - (b) the Association must give at least 60 days notice to the Director of any general meeting at which the Association proposes the amendment of its constitution or by-laws, together with the text of the proposed amendments;
  - (c) the Association must not alter its constitution and by-laws without first obtaining the consent of the Director;
  - (d) the grant money must only be spent by the Association;
  - (e) the Association must only spend the grant money for a business promotion scheme;
  - (f) on or before December 31st of each year, the Association must submit a summary budget and a budget to the Director for approval by Council;
  - (g) on or before September 30th of each year, the Association must deliver the Association’s audited financial statements to the Director;
  - (h) the Association must keep grant money and revenue derived from grant money in a separate account or sub-account;
  - (i) the Association must:
    - (i) have sufficient funds to pay all its debts, and
    - (ii) insofar as possible, pay all its debts,by the end of the fiscal year;
  - (j) the Association must permit the Director to inspect all financial records that, in the opinion of the Director, must be inspected in order to verify and obtain further

particulars of budgets and audited financial statements as they relate to grant money, except that such inspections must take place during normal business hours and on reasonable notice;

- (k) the Association may invest any grant money not required for immediate use but must do so only in securities in which trustees are authorized to invest in accordance with the Trustee Act of British Columbia;
- (l) the Association must carry commercial general liability insurance:
  - (i) in the amount of at least \$5,000,000.00,
  - (ii) with a maximum deductible of \$5000.00,
  - (iii) naming the city as an additional named insured,
  - (iv) containing a cross coverage provision, and
  - (v) including an endorsement stating that the Director will be given 30 days' notice of any material change to or cancellation of the policy;
- (m) the Association must provide proof of insurance, to the satisfaction of the Director, annually and within 30 days of the effective date of the insurance or insurance renewal;
- (n) the Association must give notice to the Director of every general meeting, other than a meeting referred to in subsection (b), together with the financial and membership information that is provided to owners and tenants in accordance with subsection (o), at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means;
- (o) the Association must give notice of every general meeting to all owners and tenants, together with the proposed budget, the audited financial statements, and membership application information, at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means;
- (p) notice of a general meeting:
  - (i) if sent to owners by mail, must be sent to their address as ascertained from the most recent assessment roll for the City of Vancouver,
  - (ii) may be given to owners, tenants or the Director by hand delivery to their business address, or by mail, e mail or facsimile or similar means, and
  - (iii) must not be given solely by means of publication in a newspaper or on a website;
- (q) the quorum at a general meeting must be 15 members present in person or by proxy, provided that no fewer than eight members be present in person;
- (r) within 30 days of every general meeting, the Association must submit to the Director:
  - (i) a declaration of meeting, and





**Table of Proposed Amendments and Rationale**

<b>Proposed Model By-law Amendment</b>	<b>Rationale</b>
1. <u>Definitions</u>	
<p>a. Model By-law section 4(r) requires BIAs to provide a list of their society directors after annual general meetings, such list to provide contact information for one director.</p> <p>The wording of the amended section would read 'at least one director'.</p>	<p>Contact information for directors is needed when BIA management is unavailable or when director input is required. In that context, more options to contact a BIA is better than fewer ones. Inserting the words 'at least' would clarify that 'one director' is a minimum rather than a maximum, allowing BIAs to provide contacts for multiple directors if they so wished.</p>
<p>b. "Property Owner" and "Tenant" are defined for the purposes of several provisions in the Model Bylaw. The definitions do not specifically include authorized representatives of property owners or businesses.</p> <p>The amendments would add 'authorized representative' to certain existing By-law provisions where appropriate.</p>	<p>The proposed amendments are required because property owners and businesses often designate their property or business managers as their local representative in a BIA.</p> <p>Where a provision is intended to include an authorized representative, the added wording would clarify the intention.</p>
<b>Proposed Model By-law Amendment</b>	<b>Rationale</b>
<p>2. <u>Review of Proposed BIA Society By-law Amendments</u></p> <p>The Model By-law section 4(b) requires BIAs to provide 60 days notice to the City of any proposed amendments to their society by-laws, together with the text of the proposed amendments.</p> <p>The new wording in the Model By-law clarifies that the text of the proposed society by-law amendments must be annotated and itemized for staff review.</p>	<p>If an amended society by-law is provided without annotation, it is difficult for City staff to identify and review the amendments.</p>

3. Provisions in BIA Society By-laws

Overview:

As contemplated by Model By-law section 4(b) noted in section 2 above, BIAs must notify the City of proposed amendments to their society by-laws. Non-compliant amendments to society by-laws may be refused and, per section 6 of the Model By-law, Council may withhold funding. BIA-proposed amendments to society by-laws also provide an opportunity for the City to request amendments or additions to society by-laws to bring them into compliance with the Model By-law.

Where proposed Model By-law provisions contemplate changes to BIA society by-laws, the intention is not to require immediate action on the part of a BIA; instead, amendments would be requested as a condition of approval when in future a BIA notifies the City about proposed society by-law amendments.

Proposed Model By-law Amendment	Rationale
<p>a. Provisions for Distribution of Grant (Levy) Money on Dissolution</p> <p>The recommended new Model By-law section 4(d)(ii) would provide an opportunity to:</p> <ul style="list-style-type: none"> <li>-prevent deletion of, or inappropriate amendments to, society by-laws relating to the distribution of BIA levy funds on dissolution.</li> <li>-provide standardized wording for new society by-laws for distribution of remaining BIA levy funds on dissolution</li> </ul>	<p>Property owners (and indirectly their business tenants via lease payments) contribute to the levies that the City collects and pays to BIA managing societies. Although no BIA managing society has been dissolved to date, the possibility of dissolution raises the question about the appropriate disposition of an unexpended levy balance.</p> <p>The City's practice, since inception of the BIA Program in 1989, has been to require organizers to include unalterable provisions in the society's constitution dealing with disposition of BIA grant (levy) money in the event of society dissolution. However, these provisions are not consistent across BIAs. Since transition to the new Societies Act in 2016, the provisions are now alterable and may be removed.</p> <p>The proposed amendment would ensure that appropriate provisions for the distribution of levy funds would be retained and standardized in society by-laws.</p>

<p>b. Inequitable Voting Rights</p> <p>Questions have arisen about existing or proposed BIA society by-laws that provide for unequal voting rights, either between members or between the board of directors and the general membership.</p>	<p>The Model By-law currently has no provision allowing for the review of society by-laws that may have or propose inequitable voting rights. As it is difficult to define all cases in advance, new section 4(e)(i) would ensure that existing or proposed society by-laws are equitable.</p>
<p>c. Remuneration of Elected Directors</p> <p>BIAs universally hire paid staff to implement board direction and administer the society, but the elected society directors have always been volunteers. A question arose recently as to whether the elected directors of BIA societies may receive salaried remuneration.</p> <p>New section 4(e)(ii) would help ensure that elected directors are not salaried.</p>	<p>A shift from volunteers to salaried directors could have implications for the motivation of persons wishing to seek office.</p>
<p>d. Recent Amendments to the BC Societies Act provide for virtual meetings.</p> <p>New section 4(e)(iii) would ensure that BIA society by-laws do not limit the ability to conduct virtual meetings</p>	<p>The Societies Act permits virtual meetings but does not require a society to enable them.</p>

Proposed Model By-law Amendment	Rationale
<p>4. <u>Use of Levy Money for Grants</u></p> <p>Model By-law section 4(d) provides that the grant (levy) money must only be spent by the Association, and section 4(e) provides that the Association must only spend the grant money for a business promotion scheme.</p> <p>The combined provisions have raised the question as to whether a BIA managing society could use levy money to fund grants to its commercial property owners and businesses.</p>	<p>The added text in the proposed section 4(g) clarifies that BIAs may use the grant (levy) money received from the City to fund grant programs to commercial property owners and businesses in support of a business promotion scheme.</p>
<p>5. <u>Clarification of the term: 'Account'</u></p> <p>Model By-law section 4(h) provides that BIA societies must keep grant (levy) money in a separate 'account or sub-account' from other funds. The purpose of this provision is to allow for tracking the use of levy funds, and supports the requirement that levy funds be audited in a separate schedule.</p> <p>The amendment would clarify that the intention of the By-law is to specify accounting, not banking, procedures by replacing 'account' or 'sub-account' with 'ledger' or 'sub-ledger'.</p>	<p>Questions have arisen as to whether section 4(h) requires BIAs to maintain multiple bank accounts to comply with the By-law. BIA societies track revenues and expenditures by way of separate book-keeping account codes, and have questioned the need for separate bank accounts.</p>

Proposed Model By-law Amendment	Rationale
<p>6. <u>Use and Disposition of Personal Information under FOIPPA</u></p> <p>Proposed new section 4(u) would incorporate into the Model By-law Council's existing FOIPPA policy regarding the release to BIAs, and subsequent use, of commercial property owner and business license information.</p>	<p>Since inception of the BIA Program, the City's practice has been to provide BIAs with copies of property owner and business license records within the BIA. The purpose has been to help BIAs maintain their list of property owners and businesses eligible for society membership, and to facilitate transmission of legally-required documents such as AGM notifications. The practice predates the Freedom of Information and Protection of Privacy Act (FOIPPA).</p> <p>In 2000, Council adopted policy (Appendix E) governing release to BIAs of property ownership and business license records, records that may contain personal information under the Freedom of Information and Protection of Privacy Act. The policy provides an exception to FOIPPA to enable BIA management to receive BIA property owner and business license records under certain conditions.</p> <p>Since the Council policy was adopted in 2000, property owner and business licence information was released under a cover letter to each BIA setting out the terms and conditions of use.</p> <p>The proposed new Model By-law section would consolidate these terms and conditions with other requirements in the Model By-law.</p>

<b>Proposed Model By-law Amendment</b>	<b>Rationale</b>
<p data-bbox="298 233 748 262">7. <u>Provision of Documents to City</u></p> <p data-bbox="347 300 850 527">Several provisions in the Model By-law require documents to be sent to the 'Director' (defined as the Director of Finance). This definition is necessary as the Director of Finance is responsible for review of BIA budgets and audited financial statements.</p> <p data-bbox="347 569 837 795">The new Section 7 clarifies that documents required by the Director of Finance need only be sent to BIA Program staff, thereby eliminating duplication arising from also sending the same documentation to the Director of Finance.</p>	<p data-bbox="927 300 1390 457">In practice, BIA Program staff in Planning, Urban Design and Sustainability (PDS) have managed the intake and distribution of documentation.</p> <p data-bbox="927 499 1414 695">As documentation for the Director of Finance is subsequently forwarded by staff to Finance for review, there is no need for BIAs to address a second set of documents to the Director of Finance.</p>

**Table of Correspondence**  
**Model BIA Grant Allocation By-law**  
**Comparing Existing and Amended Text**

<b>Existing Text</b>	<b>Text as Amended</b>
<p>“list of directors” means a list of the names and executive positions of continuing and newly elected directors, together with contact information for one director</p>	<p>“list of directors” means a list of the names and executive positions of continuing and newly elected directors, together with contact information for <b>at least</b> one director</p>
<p>4(b) the Association must give at least 60 days notice to the Director of any general meeting at which the Association proposes the amendment of its constitution or by-laws, together with the text of the proposed amendments</p>	<p>4(b) the Association must give at least 60 days’ notice to the Director of any general meeting at which the Association proposes the amendment of its constitution or by-laws, together with <b>an annotated and itemized</b> text of the proposed amendments</p>
<p>4(s)(i) the board of directors of the Association must include at least one property owner and one business owner</p> <p>No corresponding provision for 4(d)(ii)</p>	<p>4(d) The by-laws of the Association must include</p> <p>(i) provisions to require that the elected directors of the Association include at least one owner and at least one tenant, <b>or their authorized representative</b></p> <p>(ii) provisions for distribution, in the event of dissolution of the Association, of any remaining grant money, after payment of liabilities, as follows:</p> <p>(A) to a not-for-profit society having similar purposes;</p> <p>(B) pro-rata to the owners; or</p> <p>(C) a method acceptable to the Director</p>
<p>No corresponding provision</p>	<p>4(e) The by-laws of the Association must not include:</p> <p>(i) provisions that, in the opinion of the Director, create inequitable voting rights among members or classes of members, or between the general membership and the board of directors;</p> <p>(ii) provisions that would permit an elected director, or a director appointed to fill a vacancy, to receive a salary or remuneration for serving as a director; or</p> <p>(iii) provisions that would limit the ability to conduct virtual meetings</p>

<p>4(d) the grant money must only be spent by the Association</p> <p>4(e) the Association must only spend the grant money for a business promotion scheme</p>	<p>4(g) the Association must only spend the grant money for a business promotion scheme <b>which scheme may include the provision of grant money by the Association to owners or tenants in the business improvement area in support of a business promotion scheme</b></p>
<p>4(f) on or before December 31st of each year, the Association must submit a summary budget and a budget to the Director for approval by Council</p>	<p>4(h) on or before <b>November 30</b> of each year, the Association must submit a summary budget and a budget to the Director for approval by Council</p>
<p>4(h) the Association must keep grant money and revenue derived from grant money in a separate account or sub-account</p>	<p>4(j) the Association must keep grant money and revenue derived from grant money in a separate <b>general ledger</b> account or <b>sub-ledger</b> account</p>
<p>4(o) the Association must give notice of every general meeting to all owners and tenants, together with the proposed budget, the audited financial statements, and membership application information, at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means</p>	<p>4(p) the Association must give notice of every general meeting to all owners and tenants, <b>or their authorized representative</b>, together with the proposed budget, the audited financial statements, and membership application information, at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means</p>
<p>4(n) the Association must give notice to the Director of every general meeting, other than a meeting referred to in subsection (b), together with the financial and membership information that is provided to owners and tenants in accordance with subsection (o), at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means</p>	<p>4(q) the Association must give notice to the Director of every general meeting, other than a meeting referred to in subsection (b), together with the financial and membership information that is provided to owners and tenants, <b>or their authorized representative</b>, in accordance with subsection (p), at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means</p>



<p>4(p) notice of a general meeting:</p> <p>(i) if sent to owners by mail, must be sent to their address as ascertained from the most recent assessment roll for the City of Vancouver,</p> <p>(ii) may be given to owners, tenants or the Director by hand delivery to their business address, or by mail, e mail or facsimile or similar means, and</p> <p>(iii) must not be given solely by means of publication in a newspaper or on a website</p>	<p>4(r) notice of a general meeting:</p> <p>(i) if sent to owners <b>or their authorized representative</b>, by mail, must be sent to their address as ascertained from the most recent assessment roll for the City of Vancouver,</p> <p>(ii) may be given to owners, tenants, <b>or the authorized representative of owners or tenants</b>, or the Director, by hand delivery to their business address, or by mail, e mail or facsimile or similar means, and</p> <p>(iii) must not be given solely by means of publication in a newspaper or on a website;</p>
<p>No corresponding provision</p>	<p>4(u) owner and tenant data provided from time to time by the Director to the Association may contain personal information that is protected under the Freedom of Information and Protection of Privacy Act, and whether provided in print, electronic or other format, the Association must:</p> <p>(i) only use such personal information for the purpose provided,</p> <p>(ii) not disclose such personal information to third parties,</p> <p>(iii) store such personal information securely, and</p> <p>(iv) destroy such personal information when it is no longer needed</p>
<p>No corresponding provision</p>	<p>7. Any information or notices that the Association must submit or provide to the Director under this By-law need only be sent to the BIA Program</p>

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**PROPOSED MODEL BIA GRANT ALLOCATION BY-LAW**

**BY-LAW NO. \_\_\_\_\_**

**A By-law to Grant Money for a Business Promotion Scheme  
in the XXXX Business Improvement Area**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. The name of this By-law, for citation, is the “XXXX Business Improvement Area Grant Allocation By-law”.

2. In this By-law:

“accountant” means a member in good standing, or a partnership whose partners are members in good standing, of the Chartered Professional Accountants of British Columbia and who is authorized to carry on public practice;

“Association” means the XXXX [name of BIA managing society];

“audited financial statements” mean financial statements that have been audited by an accountant and that include a Statement of Financial Position, a Statement of Revenue and Expenditures, a Statement of Cash Flows, a Statement of Retained Earnings or Equity, and a separate schedule for grant money and revenue derived from grant money;

“budget” means a budget based on a fiscal year commencing April 1, containing information sufficient in detail to describe anticipated expenses and revenues, including anticipated non-grant expenses and revenues, and that has been approved at a general meeting of the Association;

“business improvement area” means the area of the city designated by Council as the XXXX Business Improvement Area;

“business promotion scheme” means a business promotion scheme as defined in section 455 of the Vancouver Charter;

“declaration of meeting” means a document that includes a copy of the draft minutes of a general meeting, together with a declaration that all persons eligible to be BIA members were notified of the meeting, the meeting was duly convened and conducted, a quorum was achieved and maintained, and, in the case of an annual general meeting, that the budget and audited financial statements were approved;

“Director” means the Director of Finance appointed by Council and any person authorized to act on behalf of the Director of Finance;

“grant money” means any money granted to the Association by Council pursuant to this By-law;

“list of directors” means a list of the names and executive positions of continuing and newly elected directors, together with contact information for at least one director;

“owner” means all persons who own class 5 or class 6 properties in the business improvement area;

“summary budget” means a budget in a form satisfactory to the Director; and

“tenant” means all persons who lease class 5 or class 6 properties in the business improvement area.

3. Subject to the XXXX Business Improvement Area Designation By-Law, the terms and conditions set out in this By-law, and Council’s approval of the budget referred to in section 4, Council, by annual resolution, may grant money to the Association at such times and in such amounts as Council determines.
4. The grant money may be paid to the Association, subject to the following conditions:
  - (a) the Association must have as one of its aims, functions or purposes the planning and implementation of a business promotion scheme;
  - (b) the Association must give at least 60 days’ notice to the Director of any general meeting at which the Association proposes the amendment of its constitution or by-laws, together with an annotated and itemized text of the proposed amendments;
  - (c) the Association must not alter its constitution and by-laws without first obtaining the consent of the Director;
  - (d) the by-laws of the Association must include:
    - (i) provisions to require that the elected directors of the Association include at least one owner and at least one tenant, or their authorized representative,
    - (ii) provisions for distribution, in the event of dissolution of the Association of any remaining grant money, after payment of liabilities, as follows:
      - (A) to a not-for-profit society having similar purposes,
      - (B) pro-rata to the owners, or
      - (C) a method acceptable to the Director;
  - (e) the by-laws of the Association must not include:
    - (i) provisions that, in the opinion of the Director, create inequitable voting rights among members or classes of members, or between the general membership and the board of directors,
    - (ii) provisions that would permit an elected director, or a director appointed to fill a vacancy, to receive a salary or remuneration for serving as a director, or
    - (iii) provisions that would limit the ability to conduct virtual meetings;

- (f) the grant money must only be spent by the Association;
- (g) the Association must only spend the grant money for a business promotion scheme which scheme may include the provision of grant money by the Association to owners or tenants in the business improvement area in support of a business promotion scheme;
- (h) on or before November 30 of each year, the Association must submit a summary budget and a budget to the Director for approval by Council;
- (i) on or before September 30th of each year, the Association must submit the Association's audited financial statements to the Director;
- (j) the Association must keep grant money and revenue derived from grant money in a separate general ledger account or sub-ledger account;
- (k) the Association must:
  - (i) have sufficient funds to pay all its debts, and
  - (ii) insofar as possible, pay all its debts, by the end of the fiscal year;
- (l) the Association must permit the Director to inspect all financial records that, in the opinion of the Director, must be inspected in order to verify and obtain further particulars of budgets and audited financial statements as they relate to grant money, except that such inspections must take place during normal business hours and on reasonable notice;
- (m) the Association may invest any grant money not required for immediate use but must do so only in securities in which trustees are authorized to invest in accordance with the Trustee Act of British Columbia;
- (n) the Association must carry commercial general liability insurance:
  - (i) in the amount of at least \$5,000,000.00,
  - (ii) with a maximum deductible of \$5000.00,
  - (iii) naming the city as an additional named insured,
  - (iv) containing a cross coverage provision, and
  - (v) including an endorsement stating that the Director will be given 30 days' notice of any material change to or cancellation of the policy;
- (o) the Association must provide proof of insurance, to the satisfaction of the Director, annually and within 30 days of the effective date of the insurance or insurance renewal;
- (p) the Association must give notice of every general meeting to all owners and tenants, or their authorized representative, together with the proposed budget, the audited financial statements, and membership application information, at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted

via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means;

- (q) the Association must give notice to the Director of every general meeting, other than a meeting referred to in subsection (b), together with the financial and membership information that is provided to owners and tenants, or their authorized representative, in accordance with subsection (p), at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means;
- (r) notice of a general meeting:
  - (i) if sent to owners or their authorized representative, by mail, must be sent to their address as ascertained from the most recent assessment roll for the City of Vancouver,
  - (ii) may be given to owners, tenants, or the authorized representative of owners or tenants, or the Director, by hand delivery to their business address, or by mail, e mail or facsimile or similar means, and
  - (iii) must not be given solely by means of publication in a newspaper or on a website;
- (s) the quorum at a general meeting must be 15 members present in person or by proxy, provided that no fewer than eight members be present in person;
- (t) within 30 days of every general meeting, the Association must submit to the Director:
  - (i) a declaration of meeting, and
  - (ii) in the case of an annual general meeting, a list of directors;
- (u) owner and tenant data provided from time to time by the Director to the Association may contain personal information that is protected under the Freedom of Information and Protection of Privacy Act, and whether provided in print, electronic or other format, the Association must:
  - (i) only use such personal information for the purpose provided,
  - (ii) not disclose such personal information to third parties,
  - (iii) store such personal information securely, and
  - (iv) destroy such personal information when it is no longer needed.

5. The Association must comply with all the provisions of this By-law.



**POLICY REGARDING RELEASE OF PROPERTY AND BUSINESS OWNER INFORMATION RELATED TO THE ESTABLISHMENT AND OPERATION OF BUSINESS IMPROVEMENT AREAS (BIAs) IN THE CITY OF VANCOUVER (Adopted May 2000)**

1. A list of businesses and/or Class 5 and 6 property owners within a proposed or existing Business Improvement Area (BIA) may be provided to the following groups for the purpose of contacting the owners:
  - a) To a group applying, or expressing an intention to apply, to establish a BIA;
  - b) To a BIA society, for the purpose of maintaining a current mailing list of BIA members; and
  - c) To a group wishing to contact affected property and/or business owners within a proposed BIA or BIA expansion area, or prior to a proposed BIA renewal, for the purpose of opposing the BIA application.
  
2. The lists of businesses and property owners referred to in Section 1 shall include information sufficient to identify and contact the owners of the properties and businesses, and shall include the street address of the property or business, name(s) of the property owner(s) or business/ business owner(s), and property / business owner mailing addresses if available. Subject to the provisions of the Freedom of Information and Protection of Privacy Act, other information reasonably required for the establishment and ongoing administration of a BIA may be provided, including assessed property values and calculations of BIA levies for individual properties.
  
3. For the purpose of this policy, a 'group' means:

Any group of five or more individuals acting in concert for the same purpose, who are owners of, or owners of businesses occupying, Class 5 or 6 properties, as defined by the BC Assessment Authority, within the proposed or established BIA, but where a property or business is owned by two or more individuals, those individuals shall be counted as one.