



COUNCIL REPORT

Report Date: June 9, 2023
Contact: Paul Mochrie
Contact No.: 604.873.7666
RTS No.: 15827
VanRIMS No.: 08-2000-20
Meeting Date: June 27, 2023
[Submit comments to Council](#)

TO: Vancouver City Council
FROM: City Manager
SUBJECT: 2023 UBCM Resolutions

Recommendations

- A. THAT Council endorse the two (2) resolutions outlined in this report for submission to the 2023 Union of British Columbia Municipalities (UBCM) Convention.
- B. THAT staff be directed to forward a copy of this report, accompanied by any applicable background reports and information, to the UBCM, located at Suite 60 – 10551 Shellbridge Way, Richmond, BC V6X 2W9, no later than June 30, 2023.

Purpose and Executive Summary

This report provides Council with the opportunity to consider two (2) resolutions for submission to the annual Union of British Columbia Municipalities (UBCM) 2023 Annual General Meeting and Convention.

The main forum for UBCM policy-making is the annual resolutions cycle. It provides an opportunity for local governments across the province to express concerns, share their experiences and take a united position. Throughout the year, City staff may discuss issues to direct to the Province for consideration. One method to raise matters is through the resolutions process at the UBCM. Bringing forth resolutions to this body helps to build broad-based local government support for the City's priorities. This can positively influence provincial response when other local authorities share concerns raised by the City of Vancouver.

In order for a resolution to move forward to UBCM, Council must approve it, and submit it to UBCM no later than Friday, June 30.

For the 2023 UBCM AGM and Convention, staff have prepared two resolutions for Council's consideration:

Maintenance, Repair and Replacement Support for Municipally Owned Childcare Facilities

To address the current gaps in Provincial support for a universal, public childcare system in B.C., the following resolution has been prepared for Council's consideration:

WHEREAS the provision and funding of childcare is the mandate of the Province of British Columbia, yet there is no funding provided from the Province of British Columbia for sustainable and sufficient funding related to costs for the ongoing maintenance, repair and replacement of childcare facilities, leaving municipalities to provide land and buildings for the expansion of new childcare spaces to fill the significant gaps in need;

AND WHEREAS these facilities are typically provided at nominal lease rates in efforts to keep parent fees more affordable and to ensure long-term operational viability:

THEREFORE BE IT RESOLVED that UBCM ask the Province of British Columbia to adequately fund ongoing operational costs associated with the maintenance, repair and replacement of municipally owned childcare facilities.

Ensuring Accessibility Under the Federal Plastic Straw Ban

To address the barriers to accessibility that will arise when the federal plastic straw ban takes effect on Dec. 20, 2023, as well as conflicts with municipal and provincial regulations in British Columbia, the following resolution has been prepared for Council's consideration:

WHEREAS the regulations for the federal plastic straw ban include some provisions intended to ensure accessibility, but will introduce new and significant barriers for persons with disabilities that will conflict with and be paramount to current provincial and municipal plastic straw prohibition regulations in British Columbia, by prohibiting:

- As of December 20, 2023, restaurants and other food vendors from giving out flexible plastic straws, and retailers from displaying packages of flexible plastic straws sold for personal use; and
- As of June 20, 2024, plastic straws attached to beverage containers;

AND WHEREAS the above aspects of the federal plastic straw ban regulations are misaligned with the intent of the *Accessible Canada Act* and the *Accessible British Columbia Act*, which empower the federal and provincial governments to set accessibility standards to make an inclusive and barrier-free Canada and British Columbia, and require federally and provincially regulated organizations, including B.C. local governments, to adopt accessibility plans to name and remove the barriers for individuals connected with these organizations;

THEREFORE BE IT RESOLVED that UBCM and the Province of British Columbia request that the Government of Canada amend the federal Single-Use Plastics Prohibition Regulations (SOR/2022-138) before December 20, 2023 to ensure barrier-free and inclusive services for persons with disabilities by allowing:

- Food vendors to provide a flexible plastic straw to a customer who requests one for accessibility needs;
- Retailers to display packages of flexible plastic straws and sell them without customers having to request them; and

- Flexible plastic straws attached to beverage containers like drink boxes and pouches.

Council Authority/Previous Decisions

The UBCM requires that all resolutions submitted for debate and voting at its annual convention be endorsed by Council before being officially submitted for consideration and voting.

Maintenance, Repair and Replacement Support for Municipally Owned Childcare Facilities

In June, 2022, Council adopted “Making Strides”, Vancouver's 10-year Childcare Strategy, which aims to support access to a new universal system of early care and learning led by provincial and federal governments.

Ensuring Accessibility Under the Federal Plastic Straw Ban

On Nov. 27, 2019, Council adopted the City of Vancouver plastic straw regulations (section 15.6 in Licence By-law No. 4450), which took effect April 22, 2020.

On July 19, 2022, Council adopted the City's first Accessibility Strategy.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

This section provides background information on new resolutions that have been developed for Council's consideration and possible submission to the 2023 UBCM Convention.

Staff have identified two issues to bring to the 2023 UBCM AGM and Convention:

Maintenance, Repair and Replacement Support for Municipally Owned Childcare Facilities

With significant increases in Provincial investment in child care, which include affordability measures (\$10/day and Child Care Fee Reduction Initiative), workforce wages (Early Childhood Educator Wage Enhancement), and capital support for municipalities (ChildCare BC New Spaces Fund), gaps remain in ensuring the long-term financial viability of publicly-owned, community assets. Beyond initial capital support, municipalities and other eligible organizations, have limited financial tools and restricted supports available for on-going maintenance, repair, and replacement of said facilities.

At present time, the City owns, or has de-facto ownership responsibility (via head-leases) of 45 childcare facilities (~1800 childcare spaces), which presents a significant financial burden to the City.

Ensuring Accessibility Under the Federal Plastic Straw Ban

The Government of Canada adopted the [Single-use Plastics Prohibition Regulations \(SOR/2022-138\)](https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-138/)¹ in June 2020. This legislation will ban the sale and distribution of several single-use plastic items, including straws, on Dec. 20, 2023. In addition, the sale of plastic straws attached to drink boxes and pouches will be banned as of June 20, 2024.

The federal plastic straw regulations included several exceptions intended to ensure access to single-use flexible plastic straws, as listed in **Appendix A**.

However, on August 18, 2022, the City of Vancouver's Persons With Disabilities Advisory Committee (PDAC) passed a unanimous motion (**Appendix B**) that explains how federal exceptions do not adequately protect accessibility. The motion also notes the federal plastic straw regulations:

- Conflict with accessibility requirements in current provincial and municipal plastic straw regulations in British Columbia, as described in **Appendix C**
- Misalign with the intent of the *Accessible Canada Act* and the *Accessible British Columbia Act*, as described in **Appendix D**

In the motion, PDAC recommends that Vancouver City Council submit a resolution to UBCM to address the accessibility barriers that will be introduced by the federal plastic straw ban.

Discussion

Maintenance, Repair and Replacement Support for Municipally Owned Childcare Facilities

As the City continues to support the vision of universal public system of childcare and the creation of more childcare spaces, and as other municipalities look to do the same, it is imperative that sufficient financial supports be made available to municipalities to mitigate any undue, long-term, financial burdens of owning important community assets.

Ensuring Accessibility Under the Federal Plastic Straw Ban

If the Government of Canada does not expand the accessibility exceptions in the federal plastic straw regulations as requested by this resolution, the Province of British Columbia and B.C. municipalities will need to consider repealing the accessibility requirements in their plastic straw regulations to avoid a conflict with the federal regulations.

As the Province develops its accessibility standard for service delivery in provincially regulated entities, and local governments develop their accessibility plans, it is in the interest of all levels of government in British Columbia to ensure accessibility under the federal plastic straw ban. Unless amended, the federal plastic straw regulations will prevent the public sector and other federally and provincially regulated entities from providing inclusive, barrier-free food services to persons with disabilities.

Requesting accessibility amendments to the federal plastic straw regulations is intended to address oversights and any unintended consequences, and is not intended to challenge the Government of Canada's positive work to address plastic pollution.

¹ <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2022-138/>

Financial Implications

There are no financial implications associated with this report's recommendations.

Legal Implications

Council is authorized to comment on federal or provincial legislation by section 186 of the Vancouver Charter.

* * * * *

APPENDIX A
FEDERAL PLASTIC STRAW PROHIBITION REGULATIONS:
EXCEPTIONS FOR ACCESSIBILITY

The federal plastic straw regulations include these [exceptions](#)² intended to ensure access to single-use flexible plastic straws:

- The manufacture and import of single-use flexible plastic straws are allowed
- Retailers can sell single-use flexible plastic straws in packages of 20 or more, as long as they are not on public display and are only provided if requested
- Individuals can give single-use flexible plastic straws to others in a family or social setting
- Care institutions can provide single-use flexible plastic straws to their patients or residents
- A business may sell single-use flexible plastic straws in packages of 20 or more to another business

² Government of Canada Fact sheet: Exceptions for Single-Use Plastic Flexible Straws
<https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/reduce-plastic-waste/exceptions-flexible-straws-factsheet.html>

APPENDIX B
CITY OF VANCOUVER PERSONS WITH DISABILITIES ADVISORY COMMITTEE MOTION
ON FEDERAL SINGLE-USE PLASTIC STRAW BAN³



PERSONS WITH DISABILITIES ADVISORY COMMITTEE

MINUTES

August 18, 2022

A Special Meeting of the Persons with Disabilities Advisory Committee was held on Thursday, August 18, 2022, via electronic means.

PRESENT: Peter Brown (Co-Chair)
 Laura Mackenrot (Co-Chair)
 Jacques Courteau (Vice-Chair)
 Tasia Alexis
 Nathan Bragg
 Michelle Chakraborti
 Salina Dewar
 Paul Gauthier
 Chris Morrissey

ABSENT: Caitlin Anderson (Leave of Absence)
 Alfiya Battalova (Leave of Absence)
 Michael Frazer (Leave of Absence)
 Yat Li

ALSO PRESENT: Paul Storer, Director, Transportation (Staff Liaison)

CITY CLERK'S OFFICE: Brian Fukushima, Committee Clerk

WELCOME

Co-Chair Brown acknowledged we are on the unceded homelands of the Musqueam, Squamish, and Tsleil-Waututh People.

Leave of Absence Requests

MOVED by Laura Mackenrot
 SECONDED by Peter Brown

THAT the Persons with Disabilities Advisory Committee approve a leave of absence for Caitlin Anderson.

CARRIED UNANIMOUSLY

MOVED by Laura Mackenrot
 SECONDED by Paul Gauthier

³ <https://vancouver.ca/docs/council/pdad20220818min.pdf>

THAT the Persons with Disabilities Advisory Committee approve a leave of absence for Michael Frazer.

CARRIED UNANIMOUSLY

1. Single-Use Plastic Federal Ban

MOVED by Laura Mackenrot
SECONDED by Paul Gauthier

WHEREAS:

1. The federal Single-use Plastics Prohibition Regulations [laws-lois.justice.gc.ca/] ("Federal Regulations"), published on June 20, 2022, provide some provisions for persons with disabilities to access single-use plastic flexible straws, but:
 - a. As of Dec. 20, 2023, bans restaurants and food vendors from giving out flexible plastic straws upon request; and allows retailers to sell flexible plastic straws in packages of 20 or more, but only if they are not on public display and customers request them; and
 - b. As of June 20, 2024, bans flexible plastic straws from being attached to beverage containers (e.g. boxes, pouches);
2. The Persons with Disabilities Advisory Committee understands that the Federal Regulations conflict with, and will be paramount to, the City of Vancouver's plastic straw by-law (By-law No. 12618), which came into effect in April 2020, and was enacted after in-depth consultation with persons with disabilities organizations who support them, and was endorsed by the City of Vancouver's Persons with Disabilities Advisory Committee, and includes:
 - a. An accessibility requirement for food vendors to provide flexible plastic straws, individually wrapped in paper, upon request;
 - b. An exemption to allow retailers to display and sell packages of at least 20 plastic straws for personal use; and
 - c. An exemption to allow plastic straws attached to beverage containers packaged outside Vancouver;
3. Individually-wrapped flexible plastic straws meet the widest range of accessibility needs, and the City of Vancouver's requirement that food vendors provide them ensures customers who have difficulty drinking, or are unable to drink without a straw, can safely consume beverages and nutrition outside the home, and prioritizes equity and inclusion for persons with disabilities;
4. By prohibiting food vendors from distributing flexible plastic straws, the Federal Regulations will force persons with disabilities to carry straws at all times in case they end up drinking at food establishments:

- a. Will add to the planning burden for persons with disabilities who need to socialize, a particularly onerous burden for persons with cognitive disabilities;
 - b. Will result in inequitable treatment compared with able-bodied persons who do not need flexible straws and can therefore enjoy a beverage anytime without carrying these straws;
 - c. Will affect the ability to remain hydrated for persons with disabilities who do not bring a straw;
 - d. Exclude persons with disabilities from socializing outside the home if they are not carrying a flexible plastic straw, which might result in increased social isolation and loneliness; and
 - e. Injure, perhaps severely, persons with disabilities and older adults with reduced mobility if they are forced to eat or drink without a flexible plastic straw outside the home, in the event they are not carrying their own;
5. It is simple, affordable and reasonable for restaurants and food vendors to provide paper-wrapped single-use flexible plastic straws upon request, as they only need to stock small quantities;
 6. Regulators can reduce over-consumption of flexible plastic straws by providing education and outreach, such as the City of Vancouver's single-use item by-law toolkit, to help food vendors and the public understand these straws are intended for those who rely on them to consume beverages and nutrition;
 7. The condition in the Federal Regulations that only allows retailers to sell packages of 20 or more flexible plastic straws if they are not on public display, and they are requested by customers, will place a disproportionate burden and cost on persons with disabilities and older adults with reduced mobility by:
 - a. Reducing supply if retailers choose to stop carrying them and manufacturers stop making them, leading to increased prices and time needed to search for straws;
 - b. Medicalizing flexible plastic straws, repositioning them as a medical device and further inflating their price or making them more scarce; and
 - c. Creating stress for persons with disabilities, especially if they do not have the cognitive abilities, skill, or confidence to ask for flexible plastic straws at retailers, particularly when they are not displayed;
 8. The federal ban on plastic straws attached to beverage containers will disproportionately affect persons with disabilities, older adults with reduced mobility, and children with disabilities;
 9. The following sections of the Federal Regulations are misaligned with the intent of the Accessible Canada Act [laws-lois.justice.gc.ca/] and the Accessible British Columbia Act [bclaws.gov.bc.ca]:
 - 5(2) Exception - sale in certain settings
 - 5(4) Exception - retail sales

- 5(5) Exception - beverage containers; and
10. The Government of British Columbia intends to introduce province-wide single-use plastic and waste prevention regulations in 2023, as described in its Clean BC Intentions Paper, "Preventing Single-Use and Plastic Waste in British Columbia" (April 2022) [engage.gov.bc.ca], which will allow food vendors to provide single-use flexible plastic straws upon request, consistent with the B.C. Reg. 144/2004 Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation [bclaws.gov.bc.ca], which states:

"5 (4) If a municipality makes a bylaw prohibiting plastic drinking straws under subsection (2) (a) (iv), the bylaw must have an exemption so that businesses would not be prevented from providing an accessible straw on request by a person with disabilities or due to medical reasons";

THEREFORE BE IT RESOLVED THAT the Persons with Disabilities Advisory Committee recommends that Council:

- A. Request that the Government of Canada revise the federal Single-use Plastics Prohibition Regulations to reflect the City of Vancouver License By-law (section 15.6) to:
- i. Require food vendors to provide a flexible plastic straw to a customer who requests one for accessibility needs;
 - ii. Allow retailers to display packages of 20 or more flexible plastic straws and sell them without customers having to request them; and
 - iii. Allow flexible plastic straws attached to beverage containers (e.g. juice boxes and pouches);
- B. Direct staff to submit a resolution for the Federation of Canadian Municipalities annual conference in 2023, resolving to request that the Government of Canada revise the federal Single-use Plastics Prohibition Regulations as described in paragraph A.;
- C. Direct staff to submit a resolution to the Union of B.C. Municipalities Convention in 2023, resolving to request that the Province of British Columbia:
- i. Ask the Government of Canada to revise the federal Single-use Plastics Prohibition Regulations as described in paragraph A.; and
 - ii. Ensure that Federal, Provincial, and Municipal Regulations are aligned; and
- D. Direct staff to engage Environment and Climate Change Canada, the Chief Accessibility Officer at Employment and Social Development Canada and the B.C. Ministry of Social Development and Poverty Reduction to ensure the federal Single-Use Plastic Straw Prohibition Regulations meet the requirements, spirit, and intent of the Accessible Canada Act and the Accessible British Columbia Act.

CARRIED UNANIMOUSLY

MOVED by Salina Dewar
SECONDED by Nathan Bragg

THAT the Persons with Disabilities Advisory Committee authorizes the Co-Chairs to send a letter to Environment and Climate Change Canada, and to the Chief Accessibility Officer of the Employment and Social Development Canada, with regards to the Federal Single Use Plastics Prohibition Regulations and how this will affect persons with disabilities who need to use flexible plastic straws.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Laura Mackenrot
SECONDED by Peter Brown

THAT this meeting be adjourned.

CARRIED UNANIMOUSLY

Next Meeting:

DATE: Thursday, September 15, 2022
TIME: 5:30 pm
PLACE: Cascadia Room, 3rd Floor, City Hall /
Webex Online

The Committee adjourned at 5:44 pm.

APPENDIX C MUNICIPAL AND PROVINCIAL PLASTIC STRAW REGULATIONS IN B.C.

In British Columbia, provincial and municipal plastic straw regulations allow, and in some cases require, businesses to make flexible plastic straws available upon request for accessibility. They also allow retailers to display packages of flexible plastic straws, and plastic straws attached to beverage containers.

- The **City of Vancouver’s plastic straw regulations** ([section 15.6 in Licence By-law No. 4450](#)⁴) came into effect in April 2020 under the authority of the *Vancouver Charter*. The by-law sets the highest accessibility standard among plastic straw bans by requiring food vendors to provide flexible plastic straws, individually wrapped in paper, upon request for accessibility. These straws meet the widest range of accessibility needs. The by-law also includes exemptions to allow retailers to display and sell packages of at least 20 plastic straws for personal use, and allow plastic straws attached to beverage containers packaged at a different location than the licensed premises where the drink will be distributed for consumption. The City’s by-law was developed through in-depth consultation with persons with disabilities, and formally endorsed by PDAC.
- **Plastic straw by-laws adopted by Community Charter municipalities** are adopted under the authority of B.C. Reg. 144/2004 [Spheres of Concurrent Jurisdiction: Environment and Wildlife Regulation](#).⁵ Through this regulation, the Province requires municipal plastic straw by-laws to include an exemption to allow businesses to make flexible plastic drinking straws available upon request for those who have accessibility needs.⁶ The regulation does not prohibit retailers from displaying packages of plastic straws, or ban the sale of plastic straws attached to beverage containers.

Like the federal plastic straw regulations, these municipal and provincial regulations exempt hospitals and community care facilities. Also, the regulations do not require patrons to prove their accessibility need when they request a flexible plastic straw.

In April 2022, the Province announced its intent to restrict straws province-wide as early as 2023, while making them available upon request to conserve accessibility.⁷ Local governments and persons with disabilities supported this approach.⁸ However, the Province no longer intends to introduce this new legislation because the federal plastic straw regulations published in June 2022 will be paramount.

⁴ <https://bylaws.vancouver.ca/4450c.PDF>

⁵ https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/144_2004

⁶ Province of British Columbia (January 2022). *Local Government Guide for Bylaws Regulating Single-use Plastics*. https://www2.gov.bc.ca/assets/gov/environment/waste-management/zero-waste/plastics/local_government_guide_to_plastic_bylaws.pdf

⁷ Province of British Columbia (April 2022). *Preventing Single-Use and Plastic Waste in British Columbia: Clean BC Intentions Paper*. https://engage.gov.bc.ca/app/uploads/sites/752/2022/04/CleanBC_Single-Use-Plastics_Intentions-Paper.pdf

⁸ Province of British Columbia (March 2023). *What We Heard: Plastic and Single-Use Waste Reduction*. <https://engage.gov.bc.ca/app/uploads/sites/752/2023/04/Single-Use-and-Plastic-Waste-BC-WWHR.pdf>

APPENDIX D FEDERAL AND PROVINCIAL ACCESSIBILITY LEGISLATION

The federal and provincial governments enacted the *Accessible Canada Act*⁹ and the *Accessible British Columbia Act*,¹⁰ respectively, to proactively identify, remove and prevent barriers to accessibility in priority areas, including the design and delivery of programs and services.

This accessibility legislation empowers the federal and provincial governments to set accessibility standards, and require regulated entities to prepare and publish accessibility plans, set up feedback processes, and report openly on progress.

- The *Accessible Canada Act* applies to all federally regulated entities, such as the banking, telecommunications and transportation sectors; Government of Canada departments and agencies; Parliament; Crown corporations; Canadian Armed Forces; Royal Canadian Mounted Police; and First Nations band councils.
- The *Accessible British Columbia Act* requires, as of September 1, 2022, over 750 B.C. public sector organizations, including local governments, to adopt an accessibility plan to name and remove the barriers for individuals connected with the organization.

The Accessibility Directorate in the B.C. Ministry of Social Development and Poverty Reduction is currently developing an accessibility standard for service delivery, including food services.

⁹ <https://www.canada.ca/en/employment-social-development/programs/accessible-canada.html>

¹⁰ <https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/accessibility/legislation>