



COUNCIL REPORT

Report Date: April 18, 2023
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Meeting Date: July 12, 2023
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TO: Standing Committee on City Finance and Services
FROM: Acting City Clerk
SUBJECT: Public Notice By-law

Recommendations

- A. THAT Council approve, in principle, a Public Notice By-law generally in accordance with Appendix A.
- B. THAT the Director of Legal Services be instructed to bring forward for enactment a Public Notice By-law, generally in accordance with Appendix A, to come into effect on July 31, 2023.

Purpose and Executive Summary

This report recommends a new by-law that authorizes alternate means of publishing various public notices required by the Vancouver Charter ("VC").

The proposed new Public Notice By-law will mean that no traditional newspaper notices are required, and those notices will instead be on the City's website and in online newspaper advertisements.

In early 2022, the Province amended the VC and enacted the Public Notice (*Vancouver Charter*) Regulation (the "Regulation") to authorize Council to enact a by-law to provide for alternative means of publication for various public notices. The Regulation stipulates principles for effective public notice that Council must consider before enacting such a by-law. The principles are set out later in this report.

Prior to the Regulation and the VC amendments, the VC generally required public notices to be published in a newspaper. Alternative means of publication, as presented in this report and the Public Notice By-law, will provide that such notices may be published online rather than in traditional print media. Online publication is easily accessible to a diverse audience, whereas traditional print media may only reach a more limited audience. It can also often be difficult to prepare or revise public notices in sufficient time to meet print deadlines.

Council Authority/Previous Decisions

The VC sets out the basic notice provisions that govern the City. The revised notice provisions are found in sections 3, 3.1 and 3.2 of the VC.

Before the Regulation and the VC amendments were enacted, section 3 generally required notices to be published in a newspaper once each week for 2 consecutive weeks. This could include publication in more than one newspaper. Alternative publication methods were generally not permitted.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

If Council does not take any action, the City will have to continue publishing its required notices in newspapers in accordance with the VC. It should be noted that the City often exceeds those minimum requirements, by also publishing its notices online. In relation to Public Hearings, the City also sends out postcard notifications to residents close to a rezoning or development site, and a sign is often erected on the site. This additional notification is not specifically required under the VC. If a new Public Notice By-law is enacted by Council, this general practice will continue. It should also be noted that many local newspapers are no longer in print.

Discussion

The Regulation states that prior to adopting a by-law providing for alternative means of publishing a notice, the Council must consider certain principles.

Section 2 of the Regulation sets out the principles, and reads as follows:

Principles for effective public notice

- (1) Before adopting, under section 3.2 of the Act, a bylaw providing for alternative means of publishing a notice, the Council must consider the following principles:
 - (a) the means of publication should be reliable;
 - (b) the means of publication should be suitable for providing notices;
 - (c) the means of publication should be accessible.
- (2) Means of publication are reliable if
 - (a) they provide factual information, and
 - (b) publication takes place at least once a month or, if the means of publication is a website, the website is updated at least once a month.
- (3) Means of publication are suitable for providing notices if
 - (a) they allow all information in a notice to be displayed legibly,
 - (b) they allow a notice to be published by the required date, and
 - (c) they allow a person to consult a notice more than once during the period from the date of publication until the date of the matter for which notice is required.

(4) Means of publication are accessible if

- (a) they are directed or made available to a diverse audience or readership, and
- (b) they are easily found.

The VC currently requires a variety of tax, by-law, election and other notice provisions to be published in accordance with section 3. By enacting the proposed by-law, Council will be replacing the newspaper advertisements with online advertisements, as authorized by the Regulation and the revised VC.

The current notice provisions in the VC govern notices, including:

- Board of Variance notices;
- Election notices;
- Public hearing notices;
- SRA By-law amendments;
- Tax averaging by-laws;
- Tax exemptions; and
- Tax Sales.

Staff are proposing the adoption of the Public Notice By-law to replace newspaper publication with notices on the City's website and in online newspaper advertisements. Staff consider these two methods of providing notice to meet the requirements of reliability, suitability and accessibility specified in the Regulation.

Reliability

Both the City's website and online newspaper advertisements contain significant factual information and are routinely updated – certainly more than once per month.

Suitability

Both the City's website and online newspaper advertisements allow information to be displayed legibly, allow a notice to be published on time, and allow a person to consult any notices published more than one time during the publication period. The City can also keep a record of any notices it publishes.

Accessibility

Both the City's website and online newspaper advertisements are directed or available to a diverse audience – anyone who seeks to access them electronically. They are also easily found by various search engines available on the internet. Of course, this assumes some access to electronics, but smart phones are ubiquitous and public libraries allow for computer access.

We should also note that the Province has published "Public Notice Guidance Materials: For B.C. Local Government" – which says that both a local government website and online newspaper advertisements are possible methods to publish public notices. That guide

specifically addresses issues regarding local governments subject to the Community Charter, but the analysis is applicable to Vancouver. The guide can be viewed here:

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/public_notice_guidance_material_2022.pdf

As noted above, the Public Hearing neighbourhood notification process will not be impacted by the new Public Notice By-law. These notices (postcards and a sign) are not mandated by the VC, but are generally provided in order to better inform the public. This proposed change will also not affect notice provisions that are not currently required to be done in accordance with section 3 of the VC, like publishing certain matters in the Gazette.

Financial Implications

Estimated annual external media cost saving of up to \$70,000 is anticipated as a result of adopting this By-law, partly offset by one-time costs associated with configuration of the City's website page to accommodate the online notices. The City will track these savings and incorporate into the 2024 budget process as necessary.

Legal Implications

The proposed by-law is authorized by the Vancouver Charter and the Regulation.

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APPENDIX A
BY-LAW NO. _____

Public Notice By-law

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

1. The name of this By-law, for citation, is the Public Notice By-law.
2. In this By-law “Website” means the official internet website of the City of Vancouver which has the uniform resource locator www.vancouver.ca.
3. In this By-law “online newspaper advertisement” means an electronic version of a newspaper that publishes content regarding the City of Vancouver and its neighbourhoods, which can be read electronically on the internet.
4. Whenever the City seeks to provide notice to the public as required by section 3 of the Vancouver Charter, the public notice must be provided:
 - (a) By publishing it on the City’s Website at least 7 days prior to consideration of the matter by City Council, or if it not regarding a matter to be considered by Council otherwise in accordance with the publishing requirement; and
 - (b) By publishing it in an online newspaper advertisement at least 7 days prior to consideration of the matter by City Council, or if it is not regarding a matter to be considered by Council, otherwise in accordance with the publishing requirement.
5. Nothing in this By-law prevents the City from publishing further public notices in any other manner considered expedient.
6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
7. This By-law is to come into force and take effect on July 31, 2023.

ENACTED by Council this _____ day of _____, 2023

Mayor

Acting City Clerk