



**PUBLIC HEARING OF MUNICIPAL COUNCIL
MINUTES**

Tuesday, June 23, 2020, 4:00 p.m.

Remote Meeting

For information on how to participate: <https://www.whistler.ca/municipal-gov/council/public-hearings>

PRESENT: Mayor J. Crompton
Councillor A. De Jong
Councillor R. Forsyth
Councillor J. Ford
Councillor J. Grills
Councillor D. Jackson
Councillor C. Jewett

STAFF PRESENT: Chief Administrative Officer, V. Cullen
General Manager of Corporate and Community Services, T. Battiston
General Manager of Infrastructure Services, J. Hallisey
Interim General Manager of Resort Experience, T. Metcalf
Director of Planning, M. Kirkegaard
Manager of Communications, M. Comeau
Municipal Clerk, A. Banman
Senior Planner, C. Beaubien
Senior Planner, R. Licko
Legislative and Insurance Coordinator, L. Wyn-Griffiths
Planning Secretary, K. Olineck
Council Coordinator, N. Cooper

1. Public Hearing - Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020

This meeting was held electronically in accordance with Local Government Meetings and Bylaw Process (COVID-19) Order No. 3 (Ministerial Order M192/ 2020).

Mayor J. Crompton recognized that the Meeting is being held on the traditional territories of the Lil'wat Nation and the Squamish Nation.

2. Call to Order

This Public Hearing is convened pursuant to section 464 of the *Local Government Act* to allow the public to make representations to Council respecting matters contained in "Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to provide written submissions respecting matters contained in the proposed Bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address for the public record.

Members of Council may ask questions following the staff presentation; however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

3. Purpose of "Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020"

As stated in the Notice of Public Hearing, the purpose of "Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020" is to terminate the Bayshores Land Use Contract (the "LUC") from the subject lands and zone the subject lands RM70 Zone (Residential Multiple Seventy) under "Zoning and Parking Bylaw No. 303, 2015". If the Bylaw is adopted, both the LUC termination and the new zoning designation will take effect one year after the date the Bylaw is adopted.

4. Presentation

A presentation was given by municipal staff regarding the proposed Bylaw.

5. Submissions

Mayor J. Crompton called for submissions from the public.

Eric Jeffrey Edwards, 2-2561 Tricouni Place

Mr. Edwards read the letter he submitted to Council.

Mr. Edwards noted that he has been an owner for about a decade, and the letter he read was agreed by strata to be presented at the Public Hearing. His family trades weeks and occasionally stay elsewhere. He noted that many other owners have been there longer and enjoy using their weeks. He noted that the property employs a few staff as well.

It's a low density property, with only 13 units over a large property with a mix of wholly owned units and fractionally owned units. There are no adjacent neighbours to the site, and parking is not an issue. He also noted that the construction is unique and very sound proof, so neighbours are unlikely to be bothered by activity on the property.

Mr. Edwards added that there are 79 nervous owners concerned that the zoning designation would mean they lose access to their property, or lose the ability to rent out their units, or trade their units. He wanted to highlight to Council how people have used their property over the years.

Arnold Machel, 1 and 5-2561 Tricouni Place

Mr. Machel is a fractional owner. He noted that area 9 on the map is a distinct large area. He highlighted that this strata is unique, and asked that they are treated fairly in the decision to change the zoning over from the Land Use Contract. He has been an owner for about 20 years, and recently purchased a second fractional ownership unit. When they purchased the unit he bought it under the belief that the Seasons would continue to operate in the way that it has, and he has never seen anything to question his belief. Since they have owned it they have mostly used it, and sometimes traded it, and occasionally rented it. He noted that owners are only allowed to be here for one out of 12 weeks, and added that all 12 owners are listed on title to his unit.

Mr. Machel noted that he believes there would be a solid legal argument to support their continued use in the same way.

Estelle De Sousa Carey, 1-2561 Tricouni Place

Ms. De Sousa Carey echoed the comments of Jeff Edwards. She noted that fractional ownership coupled with the ability to occasionally rent it out have provided the opportunity to come to Whistler as it makes it affordable. He requested that the zoning changes allow to the owners to continue to use it as they have been.

Gordon Stahl, 4-2561 Tricouni Place

Mr. Stahl purchased 1992 as a fractional owner and uses one week out of every 12. He noted that he finds it an effective and affordable way to visit Whistler. He requested that Council makes a decision to allow them to continue to use their property in the way.

Tracy Gleason, 11-2561 Tricouni Place

Ms. Gleason noted that she is one of the few whole owners, and purchased her property four years ago. She noted that the whole owners would like the option to be in the situation where they can be in a rental pool and trade their units for vacations elsewhere to bring them in line with the fractional owners. She noted that the building has an older, respectful community. She asked Council to reconsider the zoning and allow them to keep the use that they currently enjoy.

Brian Winther, 3-2561 Tricouni Place

Mr. Winther noted that he has been a fractional owner for a decade. He echoed the comments of other fractional owners. He noted that he does not often take advantage of renting or trading his unit, and his family mostly use it themselves. He added that they occasionally give it to co-workers, or have even auctioned as a prize for charity. He noted that they would like to continue to have the option to trade or rent as they have and that this type of ownership makes it an affordable way for them to come to Whistler.

Pat Savage, 4-Tricouni Place

Ms. Savage noted that she has been a fractional owner since 1997, and noted that the property has been an important and special place for her. She noted that she enjoys many vacations and is able to host friends and family for holidays. She noted that the one-twelfth ownership model benefits vacationers from many areas. She noted that she makes use of the exchange program as it allows them to travel to other places. She added that it is a well-run building with an organised strata. She noted that she would like to see the property grandfathered into being able to continue their current use.

Herb Jamieson, Langley, BC and 2-2561 Tricouni Place

Mr. Jamieson noted that his family have been fractional owners since 1992, and noted that in the early years, they used their weeks exclusively in Whistler, but now the kids are older, they take advantage of the ability to exchange their weeks and travel elsewhere. He asked that Council maintain the current use for this building.

Mir Huculak, Vancouver, BC and 2-2561 Tricouni Place

Mr. Huculak noted that he has been an owner at 2561 Tricouni place for 40 years and has a timeshare in unit 2. He noted that he has traded all over the world and used it many times in Whistler. He added that it is unusual to have this type of ownership

with one week in each season. He asked that Council consider allowing them to keep the same usage as now, or be grandfathered.

6. Correspondence

Municipal Clerk A. Banman indicated that six pieces of correspondence were received since the Public Hearing Notice, regarding the proposed Bylaw.

Mayor J. Crompton called for the final time for any submissions from the public.

Murielle (last name not supplied), 2561 Tricouni Place

Ms. Murielle noted that as a long-term fractional owner, she is looking forward to bringing a third generation of her family to Whistler. She requested that Council consider grandfathering this building so that they can continue to use it in the same way.

Mayor J. Crompton called for the final time for any submissions from the public, and there were none.

7. Motion to Close the Public Hearing

Moved By Councillor R. Forsyth

Seconded By Councillor A. De Jong

That the Public Hearing for "Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020" be terminated at 4:55 p.m.

CARRIED

Mayor, J. Crompton

Municipal Clerk, A. Banman