

**BACKGROUND
CLLR. ANDERSON – NOTICE OF MOTION
HOUSING AUTHORITY**

Rationale:

On February 21, 2022, BC Minister David Eby announced that his government may take the final decision-making authority for housing permit approvals out of the hands of local governments in BC. UBCM has since voiced concerns about removing municipal autonomy in this area, with an eye to “making sure that we maintain local autonomy and the decision-making process in our communities.” Davis Screech, Mayor of View Royal, quoted the 1996 UBCM protocol “In the interests of all British Columbia the parties are committed to discharge their responsibilities within their respective areas of jurisdiction, while respecting the jurisdiction of others.”

City council members in British Columbia are elected under the *Community Charter* to act to represent the citizens of that city. City council is given the authority under the *Community Charter* the “to determine the public interest of their communities, within a legislative framework that supports balance and certainty in relation to the differing interests of their communities,” (Chapt 26, Part 1, Section 2, Subsection 2, Item b). This is made explicit in the Charter: “[The] governing body of a municipality is its council,” (Chapt 26, Part 2, Section 6, Subsection 2) for the purpose of “fostering the economic, social and environmental well-being of its community (Chapt 26, Part 2, Section 7, Item d). The Charter further urges “municipalities and the Provincial government” [to] “acknowledge and respect the jurisdiction of each” and “foster cooperative approaches to matters of mutual interest” (Chapt 26, Part 1, Section 2, Subsection 2, Item a). Land use planning matters fall under the traditional powers of municipalities. BC Housing has no formal or informal policy of meaningful consultation with municipal councils on matters of shelter placement or locations.

The duties of City Councils in BC include the authority to administer cities, towns, and regions to represent “balance and certainty in relation to differing interests” of the community. The *Community Charter* explicitly recognizes the pluralist society we live in, wherein various social interests co-exist, and in some cases collide. It further recognizes and establishes the mechanism of municipal governance to balance as fairly as possible those interests. Within this framework, it is inevitable that municipalities will occasionally have to decide between competing interests from time to time. The use of paramouncy by the provincial government to override the best efforts of an elected municipal council in support of one competing interest over another – especially when the council has made a unanimous motion - flies in the face of the spirit and intent of both the Charter and the Act.

The intent of using supremacy has always been as a corrective for illegal municipal motions, and not to override municipal decisions as a matter of course. Municipalities are well aware of the housing situation, and in fact far more likely to be aware of the local situation on the ground than is a distant government in Victoria. If municipalities are going to govern effectively, they must retain the jurisdictional ability to do so.