

**MINISTRY OF ATTORNEY GENERAL
BC Housing
Meeting BRIEFING NOTE**

PURPOSE: MEETING Note for David Eby, QC
Attorney General and
Minister Responsible for Housing

Meeting with: Holborn Group on April 7, 2021

Issue:

- Holborn has requested meeting to discuss housing supply in British Columbia and gain a deeper understanding of current housing priorities, Little Mountain social housing projects and their commitments with BC Housing.

Key Messages:

- BC Housing is committed to providing affordable housing for families and seniors as well as providing supportive housing for people experiencing homelessness.
- BC Housing is continuing to work with Holborn to redevelop Little Mountain and is also working with them on creating a greater affordable housing supply across the province.
- Holborn's Little Mountain redevelopment proposal is comprised of 14 residential buildings and 3 mixed-use buildings ranging in height from three-storey townhouses to twelve-storey mid-rise buildings. There are 5 social/non-market housing buildings proposed as part of the redevelopment. While one of these will be City of Vancouver social housing, four of these are being developed with BC Housing:
 - City Heights is completed and in operation
 - Building AC - currently under construction with completion estimated for winter 2022
 - Building EA - construction is due to start fall/winter 2021 with completion estimated for fall 2023
 - Building BA - construction is scheduled to start in spring 2022 with completion estimated for fall/winter 2023
- In addition, the Cecew (The Beach) opened in 2018 at the Little Mountain site to provide temporary modular housing for people experiencing homelessness through the Rapid Response to Homelessness program.

BACKGROUND:

Little Mountain History

- Little Mountain was the first public housing development in Vancouver. It was built by the federal government and had 37 separate building structures that consisted of 224 units of apartment and row houses covering more than 15 acres.

- A combination of aging buildings and under-utilized land led to the signing of a Memorandum of Understanding (MOU) between BC Housing and the City of Vancouver in June 2007 to redevelop the site.
- The MOU committed that 50 per cent of the proceeds from Little Mountain would be reinvested in affordable housing within Vancouver and 50 per cent elsewhere in the province.
- A competitive process was used to select a developer, and Holborn Properties was the successful proponent. The residents were relocated, and the buildings demolished.
- The proceeds from the redevelopment of Little Mountain were reinvested through a partnership with eight municipalities across the province resulting in the construction of 30 new supportive housing developments, all of which are now open, including: Abbotsford (2), Campbell River (2), Kelowna (3), Maple Ridge (1), Nanaimo (4), Surrey (2), Vancouver (13), and Victoria (3).
- As part of the Contract of Purchase and Sale, Holborn is obligated to:
 - Prepare a master redevelopment plan;
 - Complete the rezoning process of the site;
 - Create subdivision plans for the site with market and non-market parcels;
 - Replace the 234 units of social housing with the construction of 234 units, having a maximum gross floor area of 275,000 square feet.

DISCUSSION:

Housing Priorities in Vancouver:

- In September, BC Housing and the City of Vancouver announced a new partnership to build approximately 450 temporary and permanent modular supportive housing units for people experiencing homelessness. The housing projects will be built on city-owned land. The Supportive Housing Fund will fund the capital and operating costs of the projects. These new units will provide wraparound support services such as meals, access to health care, life skills training and connection to employment opportunities among others.
- In addition, BC Housing, the City of Vancouver and the Vancouver Board of Parks and Recreation are working closely to secure the necessary funding, leases and non-profit housing operators to open additional indoor spaces for people in Strathcona Park and others experiencing homelessness in Vancouver.

Holborn:

- Recently, BC Housing has been in discussion with Holborn to licence a portion of their market development lands to use for temporary modular housing for the next 7 years.
- In addition, Holborn currently has provisional project approval, subject to risk screening, for 132 units of affordable rental housing at 388 Abbott Street in Vancouver through HousingHub.

Little Mountain Redevelopment:

- The proposed redevelopment plan is comprised of 14 residential buildings and 3 mixed-use buildings ranging in height from three-storey townhouses to twelve-storey mid-rise buildings (see appendix).

- There will be 5 social/non-market housing buildings proposed as part of the redevelopment:
 - 4 BC Housing social housing lots are outlined in red ink (see appendix); and
 - 1 City of Vancouver social housing lot is outlined in green ink (see appendix).
 - Proposed social housing
 - The plan is to replace the 224 public housing units that were at Little Mountain with a total of 282 new social housing units including 10 units for the Musqueam Nation. There will also be a 69-space childcare facility, a neighbourhood house, plus a public plaza and park.
 - As part of the City of Vancouver's rezoning, BC Housing is responsible for 234 of the social housing units over four buildings. The remaining 48 units will be owned by the City of Vancouver and will be family housing.
 - Not only did the Contract of Purchase and Sale require a replacement of units but it required a 1-for-1 replacement based on the original breakdown of the site. This included the 3-, 4- and 5-bedroom units.
- s.13
- Through the rezoning, a minimum of 184 of the replacement units must be for family housing as per the City of Vancouver.
 - The 234 social housing units will be created over four buildings and through a phased approach.

Building	Number of Units	Client Group	Status	Housing Provider
City Heights (Building BB)	53 units: <ul style="list-style-type: none"> • 47 one-bedroom units • 6 two-bedroom units 	Seniors and people with disabilities	Opened in 2015	More Than a Roof Housing Society
Building AC	62 units: <ul style="list-style-type: none"> • 42 two-bedroom units • 20 three-bedroom units 	Seniors and families	Under Construction Estimated construction completion: Winter 2022	Not yet determined. Site will be owned by BC Housing.
Building EA	70 units: <ul style="list-style-type: none"> • 1 one-bedroom units • 30 two-bedroom units • 29 three-bedroom units • 7 four-bedroom units • 3 five-bedroom units 	Seniors and families	Estimated construction start: Fall/Winter 2021 Estimated construction completion: Fall 2023	Not yet determined. Site will be owned by BC Housing.

Building	Number of Units	Client Group	Status	Housing Provider
Building BA	49 units: <ul style="list-style-type: none">• 18 two-bedroom units• 20 three-bedroom units• 11 four-bedroom units	Seniors and families	Estimated construction start: Spring 2022 Estimated construction completion: Fall/Winter 2023	Not yet determined. Site will be owned by BC Housing.

INDIGENOUS PEOPLES CONSIDERATIONS:

- Recognizing over representation of Indigenous peoples within the homeless population and in housing that is not adequate nor affordable, BC Housing works in partnership with Indigenous communities and organizations to help create more affordable housing and to increase self-reliance in the Indigenous housing sector.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

- BC Housing applies a Gender Based Analysis Plus lens to all programming. This lens examines community impacts of resource development on diverse groups of people including women, men, girls, boys and gender diverse individuals.

OTHER MINISTRIES IMPACTED/CONSULTED:

- n/a

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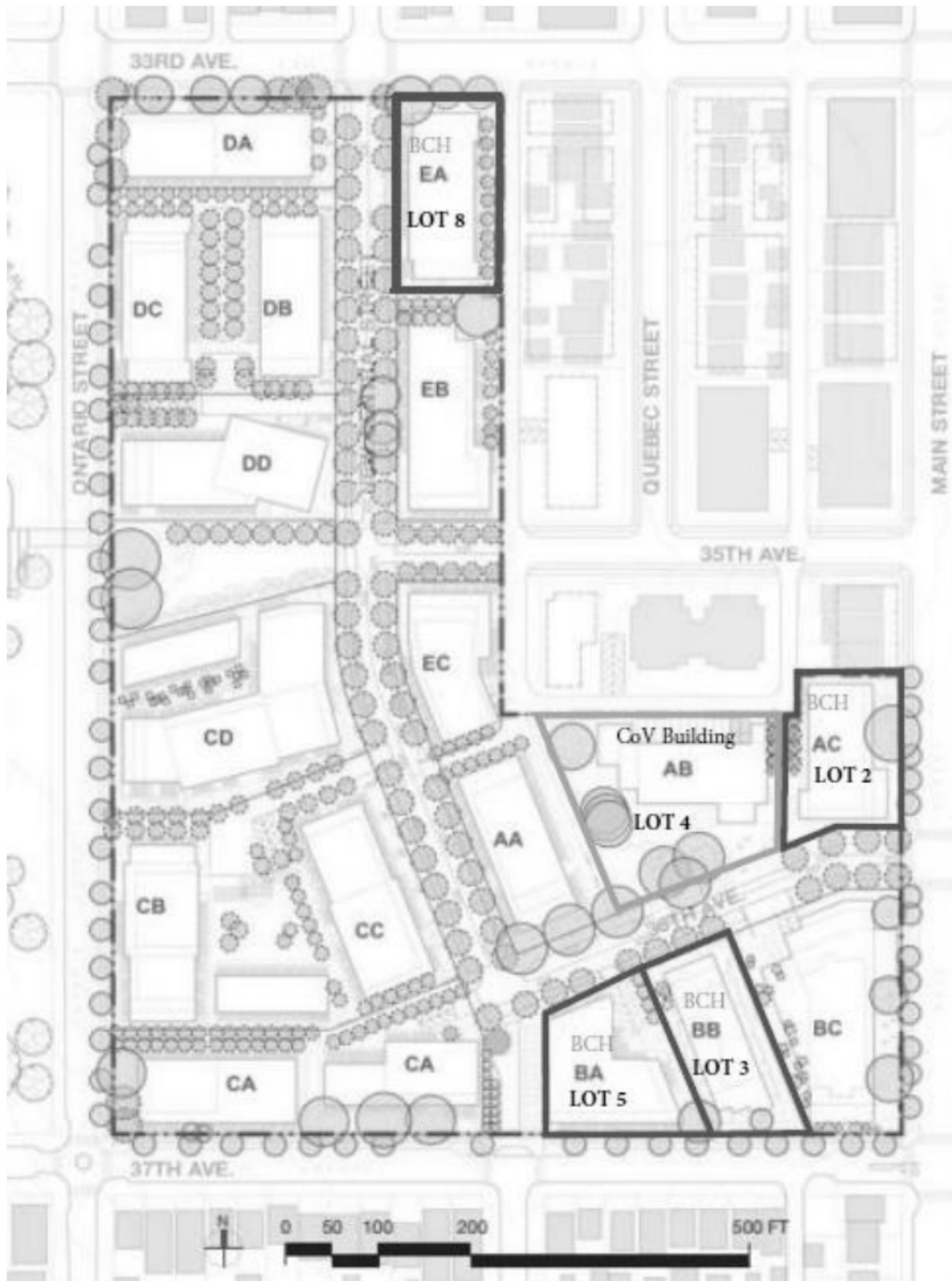
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Attachment(s)

- Appendix – Little Mountain Redevelopment Site Plan

APPENDIX

Little Mountain Redevelopment Site Plan



**MINISTRY OF ATTORNEY GENERAL
OFFICE OF THE SUPERINTENDENT OF PROFESSIONAL GOVERNANCE
INFORMATION BRIEFING NOTE**

PURPOSE: For INFORMATION for David Eby, QC
Attorney General and Minister Responsible for Housing

ISSUE:
Opportunities for enhancing consistency in the regulation of building activities, specifically the design and construction of buildings.

SUMMARY:

- The regulation of the design and construction of buildings spans multiple ministries and levels of government and has many moving parts. With the transfer of the Office of Housing and Construction Standards (OHCS) to the Ministry of Attorney General and Minister responsible for Housing (ministry), as well as the transfer of the oversight of the architectural profession to the ministry and the Office of the Superintendent of Professional Governance (OSPG), there is an opportunity to work more purposefully towards aligning requirements for professionals and professional regulation within the building construction sector.

BACKGROUND:

- Many professions and occupations play a role in the building construction sector and are regulated in a variety of ways (see Attachment A).
- Professionals within the building construction sector that are currently not formally regulated perform important roles in the design and construction of buildings. Many of these, including interior designers, building designers, fire sprinkler technicians, and energy advisors, desire to be recognized formally with a scope of regulated practice.
- *The Professional Governance Act* (PGA) currently includes engineering and technology professionals working in the building construction sector and will include architect professionals in the future.
- Architectural reserved practices as set out in the *Architects Act* require some modernization to transition to the PGA and additionally can benefit from alignment with the *BC Building Code*:
 - The *Architects Act* requires the services of an architect for certain types of buildings, including residential buildings containing five or more dwelling units and certain buildings above 470 square metres gross area.
 - The *BC Building Code* requires Architects to provide Letters of Assurance for certain building types, including all buildings over three storeys in height or

over 600 square metres in footprint. The different metrics employed in these requirements contributes to the misalignment.

- There are buildings that require an architect under the *Architects Act* but do not require Letters of Assurance under the *BC Building Code*, and there are buildings that require Letters of Assurance but do not require an architect under the *Architects Act*.
- The *Community Charter* defines a qualified professional (limited to architects, engineers and geoscientists) and authorizes a council to require certification by qualified professionals of plans or aspects of plans submitted with permit applications.
- The *Local Government Act* allows a municipality or regional district to avoid liability in approving building permits if the plans are certified by a professional engineer or architect to comply with the Provincial building regulations or other applicable enactments respecting safety.

s.13; s.16

- A recent court ruling, currently being appealed, (*The Architectural Institute of British Columbia v. Langford* 2020 BCSC 801) held that Langford's decision to issue a permit without considering the *Architects Act* was unreasonable.
 - The role of local government in relation to regulation of regulated professionals such as architects is in flux as a result of this decision. All parties are hoping the anticipated appeal (March 30,2021) will bring greater clarity.
- Government has already taken steps to strengthen regulation of professions in the building construction sector, including changes to qualification requirements for building officials, which took effect on February 28, 2021.
 - Ministry of Advanced Education Skills and Training is exploring establishing a mandatory trades environment under the *Industry Training Authority Act*, where certain trades, including those that contribute to building construction,

would be designated as mandatory trades, with training standards set to ensure a competent workforce.

DISCUSSION:

Listed below are four areas of work that align with items outlined in the mandate of the Attorney General and Minister responsible for Housing:

1. The transition of the regulation of architecture from the *Architects Act* to the PGA presents an opportunity for OSPG to work with both Architectural Institute of BC (AIBC) and OHCS to explore better alignment of the reserved practice of architecture with requirements for architectural Letters of Assurance under the *BC Building Code*. s.13; s.16
s.13; s.16

2. s.13

3. s.13

4. OSPG and OHCS are also positioned to examine how right-sizing the regulation of other professions that operate in the building construction sector could enable greater professional reliance to support the CleanBC climate action plan and the Homes for BC housing plan.

- For example, interior designers and fire sprinkler technicians, to name a couple, are not defined as qualified professionals so they can not certify aspects of plans nor can they provide Letters of Assurance under the *BC Building Code*.

s.13

- This would also allow the contributions of those professionals to be recognized, addressing concerns about the limiting effect currently

regulated practices have on the work those unregulated professionals are retained to perform.

s.13

The next steps for OSPG, with support of OHCS, include:

- Working with the AIBC to determine a proposed reserved practice definition as part of their transition to the PGA;
- Organizing a round-table session with various professional and trade organizations within the building construction sector and with local government to understand some of the professional reliance issues and opportunities from their perspectives, as well determining a pathway for consulting on the changes that may be brought about to the reserved practice of architecture;
- Engaging with staff from the Ministry of Municipal Affairs on professional reliance in the permitting process; and,
- Bringing forward a proposal for recommended further action based on the initial engagement work.

INDIGENOUS PEOPLES CONSIDERATIONS:

- As there is Indigenous representation within all aspects of the regulation of the design and construction of buildings, contemplated changes to this regulatory system should be informed by First Nation's views, in particular the four treaty First Nations. Any proposal that will be brought forward by OSPG and OHCS will identify areas of interest and a path for engagement with Indigenous authorities.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Municipal Affairs will be engaged respecting the authorities in the *Community Charter* and *Local Government Act* related to building and occupancy permitting. Local government engagement on these matters will also be important.

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Attachment(s)

Professions and Trades in the Building Construction Sector.

Professional Regulation in the Building Construction Sector

This sector comprises professions primarily engaged in constructing, repairing and renovating buildingsⁱ and engineering works, and in land use planning, including subdividing and developing landⁱⁱ.

Profession	Areas of Practice	Regulation of the Profession	Regulation of the Practices
Engineers and Geoscientists – Engineers and Geoscientists BC	Engineering of building foundations, parking areas, terrain stability; Structural engineering, seismic stability; Engineering of building systems; Septic system design and installation; Land use decisions – setbacks and covenants	Professional Governance Act (PGA); Certified Professional Program ⁱⁱⁱ	Building Act/Building Code Letters of Assurance; Sewerage System Regulation (Public Health Act (PHA)); Community Charter/Local Government Act (LGA)
Architects - Architectural Institute of BC	Building design – reserved practice	Architects Act (transitioning to PGA); Certified Professional Program	Building Act/Building Code Letters of Assurance; Community Charter/LGA
Building Designers - May be registrants of Applied Science Technologists and Technicians of BC (ASTTBC)	Building and house design outside of architect reserved practice	PGA for registered practitioners	Building Act/Building Code
Technologists - ASTTBC	Building systems, including fire sprinkler systems	PGA	Building Act/Building Code
Interior Designers – Interior Designer Institute of BC	Interior space design; interior system	Society Act	
Energy Advisors and Energy Modellers - Canadian Association of Consulting Energy Advisors, International Building Performance Simulation Association	Computer modelled analysis of energy systems and energy use in buildings and whole-building airtightness testing	Oversight (not regulation) by Natural Resources Canada as “Registered Energy Advisors”	
Building Officials - Building Officials Association of BC	Enforcing code compliance, confirming warranty coverage	Building Act	Community Charter/LGA; Homeowner Protection Act

			provisions on warranty
Builders- Licensed general contractor Developers	Construction, obtaining warranty enrollment, providing warranty servicing	Homeowner Protection Act – licensing, mandatory warranty terms	Building Act/BC Building Code local authority bylaws re: building, planning, land use
Elevator, electrical, boilers, gas/plumbing certified trades	Install, operate and maintain regulated equipment	Safety Standards Act administered by Technical Safety BC and local governments	Safety Standards Act
Home Inspectors – ASTTBC and Home Inspectors Association of BC	Home inspections at point of sale	Business Practices and Consumer Protection Act, PGA (for ASTTBC)	
Qualified Environmental Professionals (Riparian Areas) (Biologists, Agrologists, Engineers)	Environmental protection requirements for land use planning and development	PGA	Riparian Areas Protection Act
Well drillers and well pump installers	Install and maintenance	Water Sustainability Act	Water Sustainability Act
Registered Onsite Wastewater Practitioners - ASTTBC	Septic system install and maintenance	PGA	Sewerage System Regulation (PHA)
Community Planners	Land use and development, municipal and regional planning, infrastructure planning	Society Act	
Landscape Architects	Design/planning of outdoor spaces	Architects (Landscape) Act	
Land Surveyors	Cadastral surveys - land measurement and boundaries	Land Surveyors Act	Land Surveys Act; Land Title Act
Contaminated Sites Approved Professionals – Contaminated Sites Approved Professionals Society	Remediation of land for development	Environmental Management Act	Environmental Management Act -

Areas of Government Connected to Building Construction Sector

Ministry of Attorney General and Minister Responsible for Housing (Office of Superintendent of Professional Governance)	Professional Governance Act, Architects Act
Ministry of Attorney General and Minister Responsible for Housing (Office of Housing and Construction Standards)	Building Act, Homeowner Protection Act, Safety Standards Act, Building Officials Association Act, Safety Authority Act, Fire Services Act (shared with Office of the Fire Commissioner)
Ministry of Municipal Affairs	Local Government Act, Community Charter
Ministry of Forests, Lands, Natural Resource Operations and Rural Development	Land Surveyors Act, Land Surveys Act, Land Title Act, Land Title and Survey Authority, Riparian Areas Protection Act, Water Sustainability Act
Ministry of Environment and Climate Change Strategy	Environmental Management Act – Contaminated Sites
Ministry of Energy, Mines and Low Carbon Innovation	Utilities Commission Act, Energy Efficiency Act
Ministry of Health	Sewerage System Regulation (Public Health Act)
Consumer Protection BC/ Ministry of Public Safety and Solicitor General	Home Inspectors Licensing Regulation (Business Practices and Consumer Protection Act)
Technical Safety BC	Safety Standards Act
BC Housing	Homeowner Protection Act
Natural Resources Canada	Registered Energy Advisors

ⁱ The building construction sector is also linked to the Insurance sector through requirements in the *Homeowner Protection Act* and regulations - new homes built in B.C. by licensed residential builders must be covered by mandatory, third-party home warranty insurance.

ⁱⁱ Scoped out: Transportation (roads, public transit systems), and community systems (waste, sewerage, drinking water, utilities, etc)

ⁱⁱⁱ Certified Professional (CP) provides their professional assurance to the Authority Having Jurisdiction (AHJ) that they will take all appropriate steps to ascertain that the design will substantially comply and the construction of the project will substantially conform in all material respects with the fire and life safety, and accessibility aspects of the building code, other applicable safety enactments, and the related development permit. The Chief Building Official of an AHJ relies upon the CP's assurances in issuing Building Permits and Occupancy Permits for a project constructed under the CP Program.

**MINISTRY OF ATTORNEY GENERAL
JUSTICE SERVICES BRANCH
DECISION BRIEFING NOTE**

PURPOSE: For DECISION of David Eby, QC
Attorney General and Minister Responsible for Housing

ISSUE: Federal/Provincial/Territorial (FPT) funding agreement on immigration and refugee (I&R) legal aid for fiscal years 2022/23 to 2026/27.

DECISION REQUIRED/ RECOMMENDATION:

s.13; s.16

SUMMARY:

- Every five years, the provinces and territories sign a five-year agreement with the federal government for funding for criminal and I&R legal aid. The current funding agreement runs from April 1, 2017 to March 31, 2022.

s.13; s.16

BACKGROUND:

- Legal Aid BC provides I&R legal aid services under the terms of the Memorandum of Understanding between the Ministry and Legal Aid BC. Funding for I&R services has historically been comprised of \$0.8M in provincial funding and variable federal

funding that has typically been approximately \$0.9M. This has historically resulted in approximately \$1.7M in base budget funding for I&R legal aid services.

- In recent years, demand for I&R legal aid has significantly outstripped base level funding, and multiple mid-year requests have had to be made to the federal government for additional funding.
- Given that Legal Aid BC is statutorily prohibited from incurring a deficit, they will only deliver services to the available funding. s.13
- Every five years, the provinces and territories sign a five-year agreement with the federal government for funding for criminal and I&R legal aid.
 - **2012/13 – 2016/17:** Under the *Agreement Respecting Adult and Youth Criminal Legal Aid, Immigration and Refugee Legal Aid and Court-Ordered Counsel in Federal Prosecutions*, federal funding for these three programs is provided to the Province and then flowed through to Legal Aid BC.
 - **2017/18 – 2021/22:** Currently, under the *Agreement Respecting Criminal Legal Aid and Immigration and Refugee Legal Aid*, federal funding for criminal and I&R legal aid is provided to the Province and then flowed through to Legal Aid BC. Since 2017, federal funding for court-ordered counsel for federal prosecutions has been covered in a standalone agreement with Legal Aid BC, with funding provided directly to the service provider.

DISCUSSION:

- Legal Aid BC allocates I&R legal aid funding according to an annual budget management plan which includes budgeted amounts, forecasting and reporting of actual expenditures. The total amount of funding for all provinces and territories that deliver legal aid services is listed as \$11.5M in the current FPT Agreement. This funding is distributed to the provinces and territories according to a formula provided for in the FPT Agreement that uses annualized data from the last three quarters of the previous fiscal year and the first quarter of the current fiscal year.
 - For fiscal year 2021/22, \$28.2 million is available for I&R legal aid, to be distributed through the formula. Provincial allocations will not be confirmed until late summer 2021 due to the availability of statistics.
 - The Federal Budget 2021 proposes to provide an additional \$26.8 million to enable participating provinces to maintain I&R legal aid support for asylum seekers. This raises the proposed federal contribution to approximately \$55 million this fiscal year. However, this additional federal contribution is subject to the approval by the Treasury Board of Canada and the appropriation of funds by the Parliament of Canada.

- For fiscal year 2022/23, funding reverts back to \$11.5M annually; however, Justice Canada will be seeking ongoing increased funding.

s.13; s.16

INDIGENOUS PEOPLES CONSIDERATIONS:

- This issue is not expected to have implications for Indigenous peoples in British Columbia.

OPTIONS:

s.13; s.16

s.13; s.16

s.13; s.16

OTHER MINISTRIES IMPACTED/CONSULTED:

- None.



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Deputy Attorney General and
Deputy Minister Responsible for Housing

DATE:

April 21, 2021

RECOMMENDED OPTION APPROVED



David Eby, QC
Attorney General and
Minister Responsible for Housing

DATE:

April 28, 2021

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