

Agenda

SUBDIVISION REGULATION AND DISCRETION 2019 (10163219)

Thursday, May 30, 2019 – Pan Pacific Hotel, 999 Canada Place, Vancouver

Course Chair: **Raymond E. Young, QC** — Local Government and Planning Law Chambers,
Vancouver

CLEBC Program Lawyer: **Genevieve Chang**

- 9:00 – 9:15 WELCOME AND INTRODUCTION
Raymond E. Young, QC — Local Government and Planning Law Chambers, Vancouver
- 9:15 – 10:05 SUBDIVISION BYLAWS , PROCESS, STATUTORY CONSIDERATIONS, AND THE BROAD POWERS OF THE APPROVING OFFICER
- the role of the Approving Officer
 - the subdivision application process, including general subdivision requirements under the *Land Title Act*
 - the preliminary review process and issuance of Preliminary Layout Approvals;
 - matters considered by the Approving Officer on application for approval and statutory grounds for refusing to approve a subdivision plan; and
 - the exercise of discretion by the Approving Officer
- Michael E. Quattrocchi** – Young Anderson, Vancouver
- 10:05 – 10:20 BREAK
- 10:20 – 11:10 STATUTORY BASIS AND ANATOMY OF A WORKS AND SERVICES BYLAW AND OF A WORKS AND SERVICES AGREEMENT
- what is a works & services bylaw?
 - what is the authority?
 - when does it apply?
 - works required – types and standards
 - requiring connections
 - what is a works & services agreement?
 - postponement of construction obligations: s509 LGA
 - timing of installation of works & services
 - setting the standards
 - security for completion
 - maintenance obligations
- Peter D. Johnson** – Stewart McDannold Stuart, Victoria
- 11:10 – 12:00 PUBLIC DEDICATIONS, STATUTORY RIGHTS OF WAY, PARKS , SCHOOL LANDS, HIGHWAYS AND 219 RESTRICTIVE COVENANTS
- when land dedications can be required and for what purpose
 - rezoning/development

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- o subdivision
- how can dedication be achieved
 - o dedication on a plan
 - o fee simple transfer
 - o advantages and disadvantages of various approaches to dedication
- interesting situations
 - o plan cancellations
 - o notations on title (park/road purposes)
 - o mistakes on plans

Olga Rivkin – Lidstone & Company, Vancouver

12:10 – 1:10 NETWORKING LUNCH (PROVIDED)

1:10 – 1:55 BARE LAND STRATA PLANS, PHASED STRATA PLANS, AND RELEVANT PROVISIONS OF THE STRATA PROPERTY ACT

- bare land stratas, phased stratas and strata conversions
- the roles of the approving officer and the approving authority
- when are approvals required?
- what is the scope of discretion in the strata context?
- what does the approving officer or authority look for?
- unusual Issues faced by approving officers and approving authorities

Guy Patterson – Young Anderson, Vancouver

1:55 – 2:40 LATECOMER AGREEMENTS AND EXTENDED SERVICES

- what are excess and extended services?
- the requirement of excess and extended services
- latecomer agreements
 - o the terms of a latecomer agreement
 - o who decides on the terms?
 - o arbitration
- latecomer payments

Pamela J. Jefcoat – Civic Legal LLP, Vancouver

Emily McClendon – Civic Legal LLP, Vancouver

2:40 – 2:55 BREAK

2:55 – 3:40 JUDICIAL REVIEW OF APPROVING OFFICERS' DECISIONS

- statutory appeal vs. judicial review; procedure and substance
- s. 85(3) the scope of the public interest jurisdiction
- s 86 and the scope of considerations relating to: injurious effect on established amenities; flooding erosion, landslip, and avalanche; and excessive public cost
- s. 87 conformance with local government bylaws

Sara Dubinsky – Lidstone & Company, Vancouver

3:40 – 4:25 AN APPROVING OFFICER’S PERSPECTIVE, WOES , AND TRIALS AND
TRIBULATIONS

- best practices

Chuck Goddard – Approving Officer, City of Maple Ridge, Maple Ridge

4:25 – 4:30 CLOSING REMARKS

Raymond E. Young, QC — Local Government and Planning Law Chambers, Vancouver