



## **CORPORATION OF THE CITY OF VERNON**

### **ADVISORY PLANNING COMMITTEE**

**TUESDAY, JANUARY 28, 2020**

**4:00 pm – OKANAGAN LAKE ROOM**

## **A G E N D A**

**1. INTRODUCTION OF NEW MEMBER**

**2. ELECTION OF CHAIR AND VICE-CHAIR 2020**

**3. ADOPTION OF AGENDA**

**4. ADOPTION OF MINUTES**

November 26, 2019 (attached)

**5. NEW BUSINESS**

- a) **ZON00336/DVP00470** – Rezoning and Development Variance applications for 1405 25 Avenue

**4. INFORMATION ITEMS**

- a) The Staff Liaison reviewed APC related items discussed at the December 16, 2019, January 13 and January 27, 2020 Council meetings.
- b) Review of the Committee Terms of Reference and the Bullying and Harassment Policy (Sign-in confirmation sheet to be circulated for B&H Policy).

**5. NEXT MEETING**

The next meeting is tentatively scheduled for Tuesday, December 16, 2019.

**6. ADJOURNMENT**



## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

WEDNESDAY, NOVEMBER 26, 2019

**PRESENT:** VOTING

Mark Longworth, Chair  
Doug Neden, Vice-Chair  
Bill Tarr  
Monique Hubbs-Michiel  
Larry Lundgren  
Phyllis Kereliuk

NON VOTING

Councillor Mund  
Mayor Cumming

**ABSENT:** Harpreet Nahal  
Don Schuster  
Jamie Paterson  
Lisa Briggs

**STAFF:** Craig Broderick, Manager, Current Planning/Staff Liaison  
Ellen Croy, Transportation Planner  
Janice Nicol, Legislative Committee Clerk

**ORDER**

The Chair called the meeting to order at 4:00 p.m.

**ADOPTION OF  
AGENDA**

Moved by Larry Lundgren, seconded by Monique Hubbs-Michiel;

THAT the agenda of the Advisory Planning Committee meeting for November 26, 2019 be adopted.

**CARRIED.**

**ADOPTION OF  
MINUTES**

Moved by Doug Neden, seconded by Phyllis Kereliuk;

THAT the minutes for the Advisory Planning Committee meeting of November 13, 2019 be amended as follows:

- DVP00461 – first bullet – should say structural wall at 3.1m;

- DVP00461 – last bullet – add ‘earlier in the process’
- ZON00342 – last bullet, remove ‘the parking’ and add ‘with Phase 1.’

AND FURTHER, that the minutes be adopted as amended.

**CARRIED.**

**PERCEIVED CONFLICT OF INTEREST**

The Chair advised that Advisory Planning Committee Member Harpreet Nahal advised that he had voted against an application (DVP00461 – 8840 Somerset Place) at the previous meeting on November 13, 2019 without realizing that there may be a potential conflict of interest as his business partner, Sunterra Homes Ltd. is the applicant. He apologizes for an inconvenience this may have caused and will do his best to ensure this doesn't happen again.

**NEW BUSINESS:**

**DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3403 15th STREET (DVP00453)**

The Manager, Current Planning reviewed the Development Variance Permit application DVP00453 for 3403 15<sup>th</sup> Street. The Committee noted the following:

- Typo with address noted in report – 3402 should be 3403
- Concern that suite will be using laneway as access – vehicles will be backing out onto a laneway that is busy at time with pedestrians
- Suggestion to post a mirror on the fence for safety when backing out
- Concern that the proposed deck is facing south onto the neighbour
- Garage will be shared with suite
- Will there be an impervious surface for the driveway?

Moved by Monique Hubbs-Michiel, seconded by Doug Neden;

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit Application #DVP00453 to vary the following sections of Zoning Bylaw #5000 in order to construct a secondary building with suite on Lot 2, Sec 35, Twp 9, ODYD, Plan 4781 (3403 15<sup>th</sup> Street):

- a) Zoning Bylaw #5000 Section 4.5.6: to increase the maximum height of a secondary building from 4.5 m or one storey to 7.5 m or two storeys;
- b) Zoning Bylaw #5000 Section 9.3.5: to increase the maximum height of a secondary building from 4.5 m to 7.5 m;
- c) Zoning Bylaw #5000 Section 9.3.6: to allow the access for the primary residence to remain off 15<sup>th</sup> Street, and permit the proposed secondary building with suite to access the rear lane; and
- d) Subdivision and Development Servicing Bylaw #3843 Schedule B Section 3.5.4. to increase the minimum combined access width of primary and secondary accesses on a residential lot from 8.0 m to 11.0 m;

AND FURTHER, that Advisory Planning Committee recommends that Council not support Development Variance Permit Application #DVP00453 to vary the following section of Zoning Bylaw #5000 in order to construct a secondary building with suite on Lot 2, Sec 35, Twp 9, ODYD, Plan 4781 (3403 15<sup>th</sup> Street):

- a) Section 5.5.6: to increase the maximum height of a secondary building containing a secondary suite from 7.5 m to 8.0 m;

AND FURTHER, that the Advisory Planning Committee recommends that Council support of DVP00453 is subject to the following:

- a) That the site plan noted as Attachment 1 in the report titled "Development Variance Permit Application for 3402 15<sup>th</sup> Street" and dated November 18, 2019 by the Manager, Current Planning be attached to and form part of DVP00453 as Schedule 'A'; and
- b) That the applicant provide updated building elevation plans satisfactory to Administration, intended to illustrate the general form, character and massing of the proposed residence to meet the Zoning Bylaw Section 5.5.6, being the 7.5 m maximum height limit for a secondary building containing a secondary suite.

AND FURTHER that the Advisory Planning Committee recommends that Council require the fence on the subject property be rebuilt to meet Zoning Bylaw #5000 requirements.

**CARRIED.**

The Manager, Current Planning reviewed the following APC related applications discussed at the November 25, 2019 Council meeting:

- **DVP00423** – 8840 Eastside Road – deferred consideration pending further information
- Extension for **OCP00068/ZON00266/DVP00440** – 3903 30th Street to November 13, 2020.
- **ZON00333** – 3202 16<sup>th</sup> Avenue and 1504 32<sup>nd</sup> Street – first and second readings given, PH set for January 13, 2020.
- **ZON00342** – 5577 27<sup>th</sup> Avenue – first and second readings given, PH set for January 13, 2020.
- **DVP00463/ZON00337** – 967 Mt. Beaven Place – first and second readings given, PH set for January 13, 2020.
- 6473 Okanagan Landing Road – bylaw adopted
- 1030 Mt. Bulman Drive – bylaw defeated
- Zoning Text (Accessible Parking Updates) Bylaw given third reading.

**NEXT MEETING**

The next meeting of the Advisory Planning Committee is tentatively scheduled for Tuesday, December 17, 2019.

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned at: 4:24 p.m.

**CERTIFIED CORRECT:**

\_\_\_\_\_ Chair



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Craig Broderick  
Manager, Current Planning  
Hazel Christy  
Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** February 10, 2020  
**REPORT DATE:** January 20, 2020  
**FILE:** ZON00336/DVP00470

**SUBJECT: REZONING AND DEVELOPMENT VARIANCE PERMIT APPLICATIONS FOR 1405  
25<sup>th</sup> AVENUE**

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## **PURPOSE:**

To review the application to rezone the property located at 1405 25<sup>th</sup> Avenue from R2 – Large Lot Residential to R4 – Small Lot Residential to construct a semi-detached building. A Development Variance Permit for wall height and driveway configurations has been submitted to be considered concurrently.

## **RECOMMENDATION:**

THAT Council support the application (ZON00336) to rezone Lot 3, Sec 35, Twp 9, ODYD, Plan 4364 (1405 25<sup>th</sup> Avenue) from R2 – Large Lot Residential to R4 – Small Lot Residential in order to allow the construction of a semi-detached building;

AND FURTHER, that Council support Development Variance Permit Application #DVP00470 to vary the following sections of Zoning Bylaw #5000 in order to construct a semi-detached building on Lot 3, Sec 35, Twp 9, ODYD, Plan 4364 (1405 25<sup>th</sup> Avenue):

- a) to vary Section 9.5.5. to increase the maximum height for a vertical wall element facing a front, flanking or rear yard without stepping back from 6.5 m to 6.8 m; and
- b) to vary Section 9.5.6. to allow for driveway access to 25<sup>th</sup> Avenue as the property currently has access from a rear lane;

AND FURTHER, that Council support of DVP00470 is subject to the following:

- a) That the site plan and building elevation plans, intended to illustrate the general siting, form, character and massing of the proposed residence noted as Attachments 3 and 4 in the report titled “Rezoning and Development Variance Permit Application for 1405 25<sup>th</sup> Avenue” and dated January 20, 2020 by the Manager, Current Planning be attached to and form part of DVP00470 as Schedule ‘A’; and
- b) That the driveway access be designed so that vehicles are not required to reverse onto 25<sup>th</sup> Avenue.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council support the application (ZON00336) to rezone Lot 3, Sec 35, Twp 9, ODYD, Plan 4364 (1405 25<sup>th</sup> Avenue) from R2 – Large Lot Residential to R4 – Small Lot Residential in order to allow the construction of a semi-detached building.
2. THAT Council support Development Variance Permit Application #DVP00470 to vary the following sections of Zoning Bylaw #5000 in order to construct a semi-detached building on Lot 3, Sec 35, Twp 9, ODYD, Plan 4364 (1405 25<sup>th</sup> Avenue):

- a) to vary Section 9.5.5. to increase the maximum height for a vertical wall element facing a front, flanking or rear yard without stepping back from 6.5 m to 6.8 m; and
- b) to vary Section 9.5.6. to allow for driveway access to 25<sup>th</sup> Avenue as the property currently has access from a rear lane;

AND FURTHER, that Council support of DVP00470 is subject to the following:

- a) That the site plan and building elevation plans, intended to illustrate the general siting, form, character and massing of the proposed residence noted as Attachments 3 and 4 in the report titled "Rezoning and Development Variance Permit Application for 1405 25<sup>th</sup> Avenue" and dated January 20, 2020 by the Manager, Current Planning be attached to and form part of DVP00470 as Schedule 'A';
- b) That the driveway access be designed so that vehicles are not required to reverse onto 25<sup>th</sup> Avenue; and
- c) *(to be cited by Council)*.

*Note: This alternative supports the rezoning request subject to the above noted condition(s) and any other conditions cited by Council.*

- 3. THAT Council support the application (ZON00336) to rezone Lot 3, Sec 35, Twp 9, ODYD, Plan 4364 (1405 25<sup>th</sup> Avenue) from R2 – Large Lot Residential to R4 – Small Lot Residential in order to allow the construction of a semi-detached building;

AND FURTHER, that Council NOT support Development Variance Permit Application #DVP00470 to vary the following sections of Zoning Bylaw #5000 in order to construct a semi-detached building on Lot 3 Sec. 35 Twp. 9 ODYD Plan 4364 (1405 25<sup>th</sup> Avenue):

- a) to vary Section 9.5.5. to increase the maximum height for a vertical wall element facing a front, flanking or rear yard without stepping back from 6.5 m to 6.8 m; and
- b) to vary Section 9.5.6. to allow for driveway access to 25<sup>th</sup> Avenue as the property currently has access from a rear lane.

*Note: This alternative supports the rezoning request subject to the above noted condition(s) but does NOT support the Development Variance Permit application.*

- 4. THAT Council NOT support the application (ZON00336) to rezone Lot 3, Sec 35, Twp 9, ODYD, Plan 4364 (1405 25<sup>th</sup> Avenue) from R2 – Large Lot Residential to R4 – Small Lot Residential in order to allow the construction of a semi-detached building.

*Note: Denial of the rezoning application would require future development of the property to be consistent with the R2 – Large Lot Residential zone.*

**ANALYSIS:**

**A. Committee Recommendations:**

At its meeting of January 28, 2020, the Advisory Planning Committee passed the following resolution:

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**B. Rationale:**

1. The subject property is located at 1405 25<sup>th</sup> Avenue (Figures 1 and 2). The property has been designated as RLD Residential Low Density in the Official Community Plan (OCP). Currently the property is zoned R2 – Large Lot Residential, which would allow a single detached dwelling with a secondary suite (Attachment 2).

2. The lot is currently developed with an existing single family dwelling.

3. The applicant proposes to demolish the existing residence and construct a semi-detached building as permitted in the R4 – Small Lot Residential zoning district.

4. The applicant has provided plans with the rezoning application to illustrate the development that is being proposed (Attachments 3 and 4).

5. In order to construct the development as proposed, the following variances to Zoning Bylaw #5000 would be required:

a) Section 9.5.5. to vary the maximum height from 6.5 m to 6.8 m for a vertical wall element facing a front, flanking or rear yard, without stepping back; and

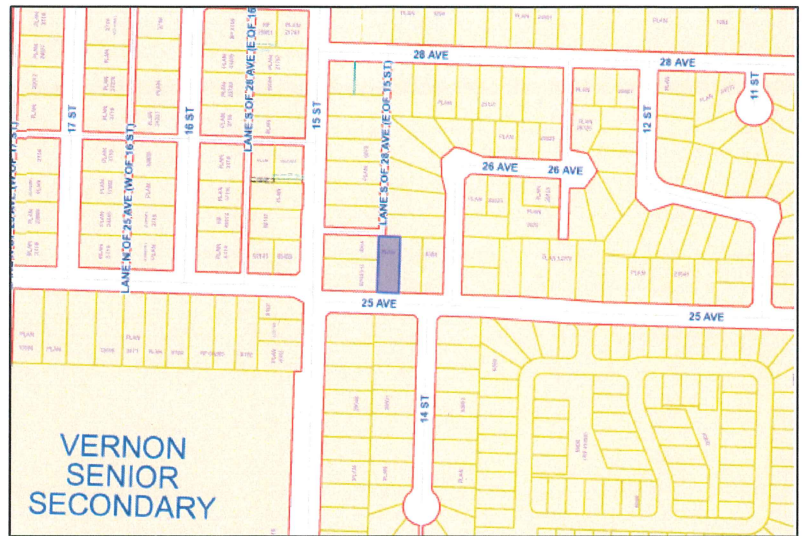
b) Section 9.5.6. to allow for driveway access to 25<sup>th</sup> Street as the property currently has access from a rear lane.

6. Administration supports the requested rezoning and development permit variances for the following reasons:

a) The development proposal and rezoning to R4 – Small Lot Residential (Attachment 5) will provide for sensitive infill development, making more effective use of a large existing lot;

b) The application to vary the requirement to step back the front vertical element above 6.5 m will have minimal impacts on neighbouring properties as the proposed height to the roofline is 6.8 m, and the highest portion of the roofline faces 25<sup>th</sup> Avenue;

c) The application to vary the requirement to take access off the lane is supportable as the lot has existing access onto 25<sup>th</sup> Avenue, and the adjacent properties also take access off 25<sup>th</sup> Avenue; and



**Figure 1 – Property Location Map**



**Figure 2 – Aerial Map of Property**

- d) Administration recommends that the proposed semi-detached building be sited so as to ensure that vehicles are not required to reverse onto 25<sup>th</sup> Avenue.

**C. Attachments:**

- Attachment 1 – Official Community Plan Land Use Designation
- Attachment 2 – Existing Zoning Designation
- Attachment 3 – Proposed Site Plan
- Attachment 4 – Proposed Building Elevations
- Attachment 5 – Zoning Bylaw #5000 excerpt: Section 9.5 R4 Small Lot Residential Zoning Regulations

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Review and streamline residential development process
- Streamline red tape to facilitate more development

**E. Relevant Policy/Bylaws/Resolutions:**

1. The Official Community Plan (OCP) designates the property as Residential Low Density (RLD). The proposed zoning to the R4 – Small Lot Residential zoning district, conforms to the OCP and will provide for more additional housing options within the neighbourhood.

**F. Relevant History:**

N/A

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

Craig Broderick  
Manager, Current Planning

**X**

Signer 1

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Corporate Services                    | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                      | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                           | <input type="checkbox"/> Facilities           | <input checked="" type="checkbox"/> Building & Licensing                 |
| <input type="checkbox"/> RCMP                                  | <input type="checkbox"/> Utilities            | <input checked="" type="checkbox"/> Engineering Development Services     |
| <input type="checkbox"/> Fire & Rescue Services                | <input type="checkbox"/> Recreation Services  | <input type="checkbox"/> Infrastructure Management                       |
| <input type="checkbox"/> Human Resources                       | <input type="checkbox"/> Parks                | <input checked="" type="checkbox"/> Transportation                       |
| <input type="checkbox"/> Financial Services                    |   | <input type="checkbox"/> Economic Development & Tourism                  |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jan.28/20) |   |  |
| <input type="checkbox"/> OTHER:                                |   |  |





- P2 – Public Institutional
- R2 – Large Lot Residential
- R4 – Small Lot Residential
- C1 – Neighbourhood Commercial

# Zoning Designation



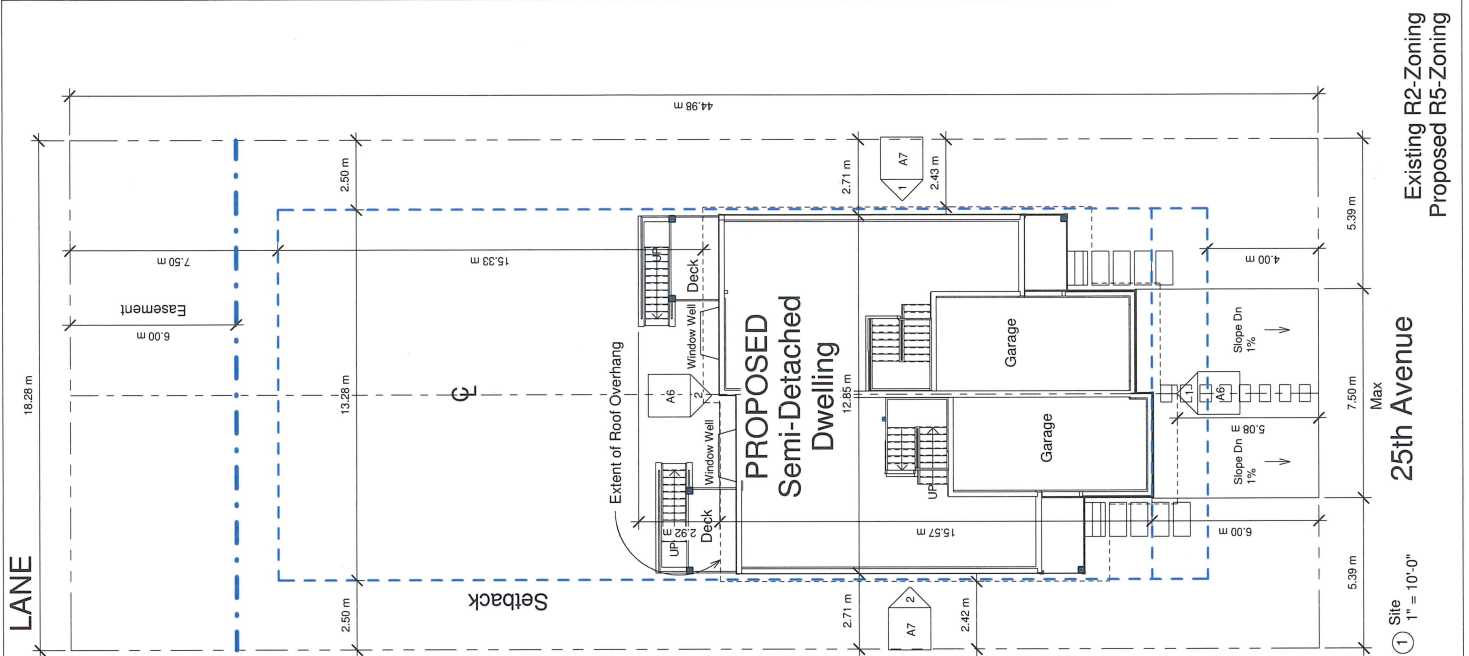
250.307.6818-925RDesign.com  
 No. Description Date  
 RZBP Re-Zoning/Building Permit  
 May 15 2019

1405  
 25th Avenue  
 Vernon BC

Site

Date May 15 2019  
 Drawn by ML  
 Project No. 925RDI 18081  
 Scale As Indicated

A1



Existing R2-Zoning  
 Proposed R5-Zoning

25th Avenue

1" = 10'-0"

**Assemblies**

- 601 Concrete Foundation  
 8x20  
 Min. 3'-0" Below Grade  
 c/w 4" Perimeter Drain
- 602 8" Reinforced Concrete Wall  
 Column on 12x30x30  
 Concrete Footing on  
 Compacted Fill
- 603 110 on RSI 2.64  
 Concrete Foundation Wall  
 Damp Proofing Below Grade  
 3" Airspace RSI 0.16  
 Fill With Batt Insulation RSI 3.52 (2.78 eff)  
 6 Mil Poly Vapour Barrier  
 1/2" Gypsum RSI 0.08  
 TOTAL (eff) RSI: 3.66
- 604 Floor Finish in  
 4" Finished Concrete Slab  
 6 MIL Poly Vapour Barrier  
 12" Min. Gravel on  
 Compacted Fill
- 605 4" Reinforced Concrete  
 12" Min Gravel on  
 Compacted Fill
- 606 5" Reinforced Concrete  
 6 MIL Poly Vapour Barrier  
 12" Min Gravel on  
 Compacted Fill
- 607 4'-0" Wide Perimeter  
 3" SW Rigid Insulation RSI 2.4  
 Where Slab is at Grade
- 608 1/2" Gypsum Board  
 Both Sides of  
 2x4 @ 16" o/c
- 609 1/2" Gypsum Board  
 Both Sides of  
 2x6 Supporting Wall on  
 8x20 Strip Footing
- 610 1/2" Gypsum Board  
 2x6 @ 16" o/c  
 Fill With Batt Insulation  
 6 MILs Poly Vapour Barrier  
 1/2" Gypsum Board
- 611 Floor Finish on  
 3/4" Plywood Sub-floor  
 11 1/2" TJI Joists @ 16" o/c  
 1/2" Gypsum Board
- 612 Floor Finish on  
 3/4" Plywood Sub-floor  
 fill w/ Sound Batt Insulation  
 1/2" Gypsum Board
- 613 W15a - 2 Hr Fire Separation (STC-66)  
 2x4 @ 16" o/c  
 1" Air Space  
 2x4 @ 16" o/c  
 Fill With Batt Insulation each side  
 2 - 5/8" Type X Gypsum Board

**1405 25th Avenue**  
**Legal Description: Lot 3, PLAN 4364**  
**Site Area: 822.19m<sup>2</sup> = 0.203 Acres**

**Coverage:**  
 Buildings = 169.46m<sup>2</sup> = 20.6% (max 40%)  
 Decks & Patios = 19.5m<sup>2</sup> = 2.4%  
 Walkways / Parking = 52.68m<sup>2</sup> = 6.4%  
 Total: 29.4% (max 50%)  
 Landscaping = 580.55m<sup>2</sup> = 70.6%

**Parking Requirement:**  
 2 - 3 Bedroom Units @ 2 Spaces/unit  
 Parking Spaces Required = 4  
 Parking Spaces Provided = 4



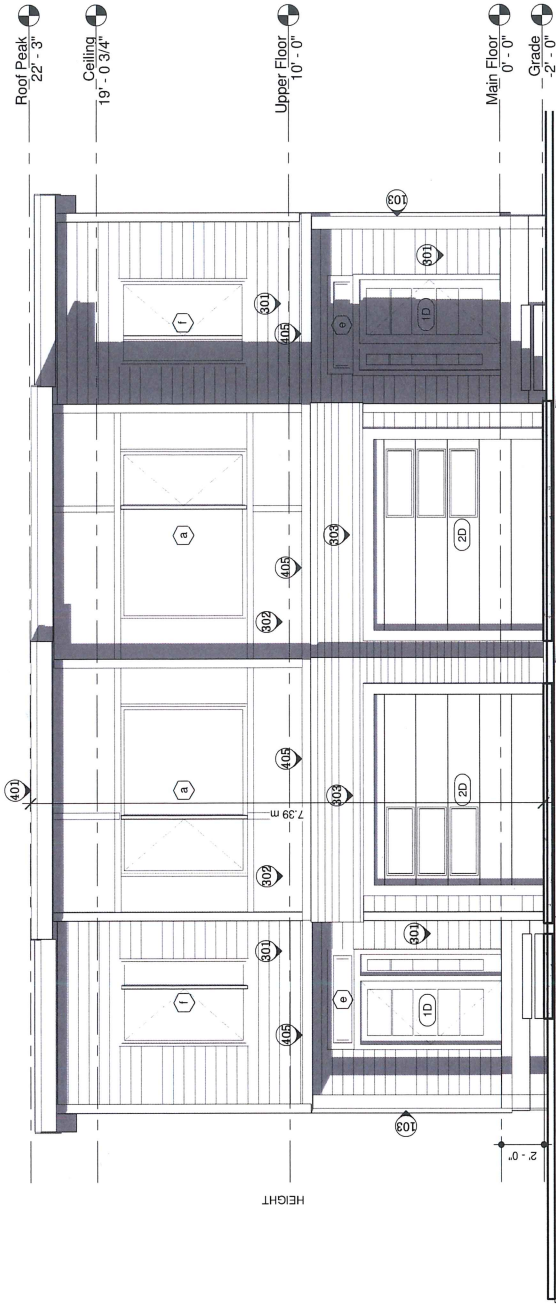
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1405  
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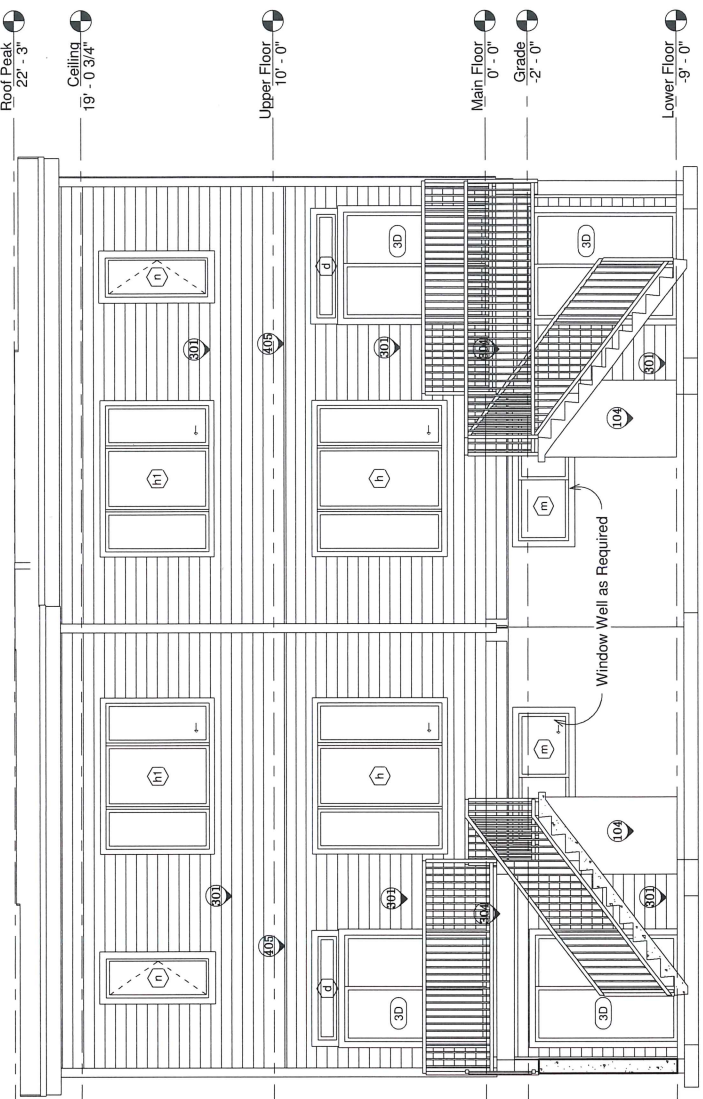
South / North  
 Elevations

Date May 15 2019  
 Drawn by ML  
 Project No. 925RDi 18081  
 Scale 1/4" = 1'-0"

A6



① South  
 1/4" = 1'-0"



② North  
 1/4" = 1'-0"

Door Schedule			
Type Mark	Family	Type	Count
1	Single-Raised Panel with Sidelight	36" x 80"	2
2	Overhead-Sectional w Vertical windows 9x8	9' x 8'	2
3	Sliding-2 panel	60" x 80"	4
4	Single-Flush	36" x 80"	4
5	Single-Flush	32" x 80"	2
6	Single-Flush	30" x 80"	2
7	Single-Flush	34" x 80"	2
8	Single-Flush	28" x 80"	4
9	Double-Flush	48" x 80"	4
11			6
Grand total: 38			

Window Schedule		
Type Mark	Family and Type	Count
a	Fixed with Trim: 96" x 72"	2
b	Fixed with Trim: 84" x 12"	2
c	Fixed with Trim: 72" x 12"	2
d	Fixed with Trim: 60" x 12"	2
e	Fixed with Trim: 51" x 12"	2
f	Fixed with Trim: 48" x 72"	2
h	Slider three panel with Trim: 84" x 72"	2
h1	Slider three panel with Trim: 84" x 60"	2
m	Slider with Trim: 72" x 30"	2
n	Casement with Trim: 24" x 60"	4
Grand total: 22		



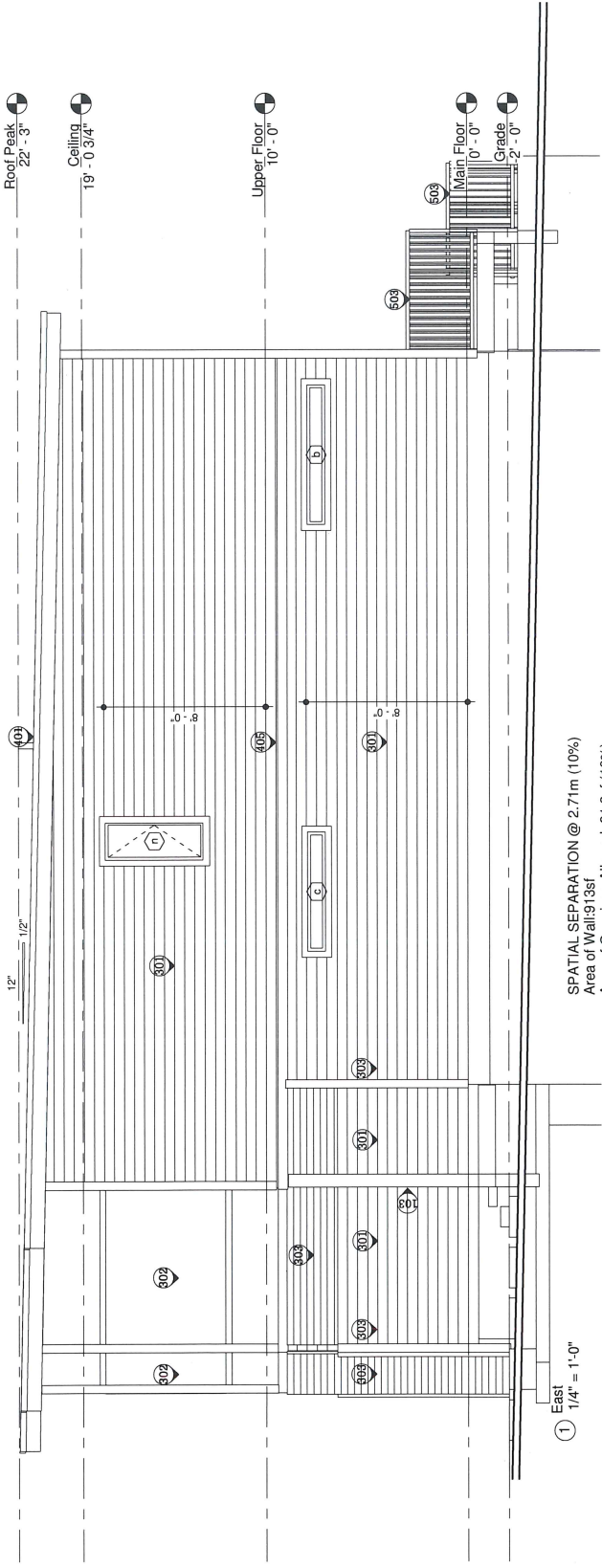
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 No. Description Date  
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1405  
 25th Avenue  
 Vernon BC

East / West  
 Elevations

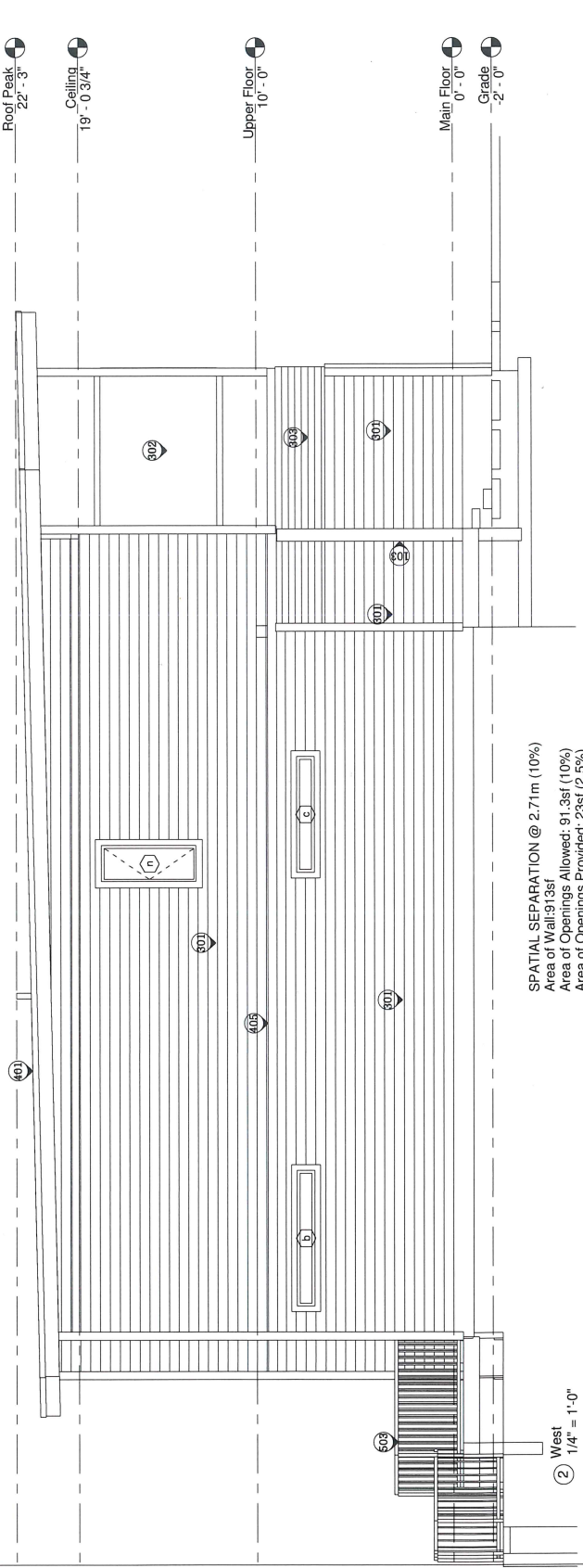
Date	May 15 2019
Drawn by	ML
Project No.	925RDi_18081
Scale	1/4" = 1'-0"

A7



SPATIAL SEPARATION @ 2.71m (10%)  
 Area of Wall: 913sf  
 Area of Openings Allowed: 91.3sf (10%)  
 Area of Openings Provided: 23sf (2.5%)

① East  
 1/4" = 1'-0"



SPATIAL SEPARATION @ 2.71m (10%)  
 Area of Wall: 913sf  
 Area of Openings Allowed: 91.3sf (10%)  
 Area of Openings Provided: 23sf (2.5%)

② West  
 1/4" = 1'-0"

## 9.5 R4 : Small Lot Residential

### 9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

### 9.5.2 Primary Uses

- **care centre, major** (*use is only permitted with the R4c sub-zoning district*)
- **single detached housing**
- **semi-detached housing** (*Bylaw 5715*)

### 9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R4h sub-zoning district*)
- **secondary suites (in single detached housing only)**

### 9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.5.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings and structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.5.6 Other Regulations

- There shall be no more than one **single detached house** or one **semi-detached unit per lot**. *(Bylaw 5715)*
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures**, **excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
*(Bylaw 5440)*



# THE CORPORATION OF THE CITY OF VERNON

## TERMS OF REFERENCE

**Committee Name:** Advisory Planning Committee

**Type:** Select

### Approvals/Reviews/Amendments

POLICY/AMENDMENT APPROVED BY:	DATE OF COUNCIL MEETING:	SECTION AMENDED
<p align="center"><i>"Sean Harvey,"</i> Mayor</p>	<p align="center">October 14, 2003</p>	<p align="center">ORIGINAL POLICY</p>
<p align="center"><i>"Sean Harvey,"</i> Mayor</p>	<p align="center">October 27, 2003</p>	<p>Section Amended:</p> <p>4.3 - Meeting Schedule</p> <p>4.0 – Addition of Committee Clerk duties</p> <p>Delete reference to DLUC and add Mayor and two Councillors to membership of the Committee.</p>
<p align="center"><i>"Wayne Lippert,"</i> Mayor</p>	<p align="center">October 26, 2009</p>	<p>2.01 Duties – amended</p> <p>2.03 Duties – added</p> <p>3.02 Mayor will appoint one member of Council and one alternate</p> <p>4.01 Referrals will include the draft staff report</p>
<p align="center"><i>"Rob Sawatzky,</i></p>	<p align="center">January 9, 2012</p>	<p>Change name to Advisory Planning Committee.</p>



## THE CORPORATION OF THE CITY OF VERNON

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<i>Mayor</i>		Add a Youth Member, as a non-voting member.
<i>"Rob Sawatzky, Mayor"</i>	April 14, 2014	Various amendments to streamline TOR. Add two new positions with expertise in universal accessibility issues in the community.
<i>"Catherine Lord Acting Mayor"</i>	March 9, 2015	Add one representative from ' <i>Independent Living Vernon</i> '
<i>"Akbal Mund" Mayor</i>	March 23, 2015	Limit the term of the youth member to two years.
<i>"Akbal Mund" Mayor</i>	March 14, 2016	Add ALR exclusion applications to 2.01 Duties



# THE CORPORATION OF THE CITY OF VERNON

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## **1.0 Committee Purpose**

- 1.01 To provide City Council with advice and recommendations on proposed land use and planning changes and related matters as detailed below.

## **2.0 Duties**

- 2.01 The Committee will consider proposed Official Community Plan, Neighbourhood Plans, Rezoning, Agricultural Land Reserve exclusion and Development Variance Permit applications, in accordance with the current Official Community Plan and will provide recommendations to City Council on same.
- 2.02 The Committee will also review and provide their advice on land use matters referred by Council.
- 2.03 The Committee will receive regular updates on long range planning matters, including neighbourhood plan reviews.

## **3.0 Membership**

- 3.01 The Committee shall be comprised of twelve (12) members appointed by Council from the community at large. All members must be a resident or property owner in the City of Vernon.
- 3.02 Membership may include one (1) individual from the community at large who has a background in accessibility for the disabled/mobility impaired.
- 3.03 Membership may include one (1) representative from Independent Living Vernon (ILV).
- 3.04 A youth member may be included on the Committee, as a non-voting member, in order to contribute the perspective of Vernon youth to Committee discussions and recommendations. The youth member shall have a



# THE CORPORATION OF THE CITY OF VERNON

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maximum term of two (2) years. The youth member shall not attend in camera meetings of the Committee.

- 3.05 All members, excepting the youth member, shall have a maximum term of four (4) years expiring in December following an election. Members are permitted a maximum of two consecutive terms, with each term not to exceed four years.

## **4.0 Operations of the Committee**

### 4.01 Agenda Preparation

Agendas will be prepared by the Committee Clerk and endorsed by the City Planner or their designate. The Agenda will be circulated by the Committee Clerk to the Committee members by Friday preceding the Committee meeting.

The referral material provided in the committee agenda will include a copy of the draft staff report on the subject application.

The Committee and/or staff recommendations will be an addendum to reports to Council.

### 4.02 Meeting Schedule

The Committee will meet at 4:00 p.m. each Tuesday of the same week following a regularly scheduled Council meeting. Should there be no agenda items, the Committee will not meet.

In the event that the regularly scheduled Council meeting falls on a Tuesday, the Committee shall meet at 4:00 p.m. on the Wednesday of the same week.



**THE CORPORATION OF THE CITY OF VERNON**

3400 – 30<sup>th</sup> Street, Vernon, B.C. V1T 5E6  
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**Corporate Policy**

Section:	Human Resources	
Sub-Section:		
Title:	Bullying and Harassment	

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**RELATED POLICIES**

Number	Title
	Replaced Harassment Policy

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**APPROVALS**

<b>POLICY APPROVAL:</b>	<b>AMENDMENT APPROVAL:</b>	<b>SECTION AMENDED</b>
Approved by: Mayor: "Akbal Mund" Date: December 14, 2015	Amendment Approved by: Mayor: "Akbal Mund" Date: December 18, 2015	Amended due to compliance Workers Compensation Bill 14

## **POLICY**

The policy of the City of Vernon is to provide and maintain a workplace that is free from discrimination, bullying and harassment, not only in relation to the specific conduct prohibited by the British Columbia (BC) Human Rights Code, but regarding any form of personal bullying harassment which may reasonably cause embarrassment, insecurity, discomfort, offence or humiliation to another person or group.

The City of Vernon is committed to a professional working environment where employees, contractors, elected officials, committee volunteers, and students working on behalf of the City or present within the City's facilities and programs, are treated with respect and dignity.

This Policy will apply to the resolution of all internal informal or formal complaints brought forward or filed pursuant to this Policy.

The procedures set out within this Policy will also apply to any and all City of Vernon investigations conducted in response to external discrimination/harassment/bullying complaints filed with WorkSafe BC, the Human Rights Tribunal or otherwise.

## **DEFINITIONS**

### **Parties**

Parties are the Complainant(s) and Respondent(s) directly involved in a Complaint and may include: employees (unionized and excluded), contractors, elected officials, committee volunteers, and students.

### **Complainant(s)**

Complainant(s) are those individuals making a Complaint and seeking recourse in relation to this Policy.

### **Respondent(s)**

Respondent(s) are those individuals alleged to have violated this Policy.

### **Bystanders**

Bystanders are third parties who have witnessed behaviour that, in their view, potentially constitutes a violation of this Policy. Bystanders should report their concerns in accordance with Step 2 of the informal processes set out below.

Bystanders are not Parties to a Complaint. However, they may be interviewed as witnesses in the event there is a formal investigation into their concerns.

## **Witnesses**

Witnesses are individuals who have direct knowledge of or involvement in any matter or incident that potentially relates to a Complaint brought forward or filed pursuant to this Policy.

## **Complaint**

A concern or Complaint regarding any of the potential behaviour as defined below that requires a solution that is brought forward for the purposes of obtaining a resolution.

## **Prohibited Grounds**

Conduct or commentary that is based, in whole or part, on any of the following 13 grounds: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction.

## **Respectful Conduct**

Respectful workplace conduct incorporates courtesy, civility, consideration, and compassion. It is an approach which actively respects individuals by avoiding unnecessary behaviours which would reasonably be considered to have a negative impact on others. It involves taking responsibility for one's behaviour/conduct in the workplace.

A workplace disagreement or difference of opinion is not by definition disrespectful. The manner in which a disagreement is described, discussed or resolved will determine whether or not the conduct is respectful.

### *Examples of Respectful vs. Disrespectful Behavior*

Violations of this Policy will be determined on an objective and case-by-case basis, having regard to the overall circumstances of each Complaint, including the particular timing and context of the event(s) in question. This commonly will be determined after receiving information from the Parties and Witnesses. However, for illustrative purposes only, some examples of respectful versus disrespectful behaviour could include the following:

- Quiet and calm communication which focuses on the issues rather than personal characteristics of the individuals involved vs. loud, profane, name-calling, and abusive language that may also focus on personal characteristics.
- Expressing and resolving disagreement in a calm and professional manner vs. insulting or belittling others through personal attacks, sarcasm or through non-verbal behaviour that may include repetitive eye-rolling, loud sighing, disrespectful

facial expressions, shunning, stone walling discussions, walking out of discussions prematurely, or making physical or psychological threats.

- Addressing issues and concerns regarding work performance or misconduct in a confidential, discreet manner through responsible managers vs. engaging in gossip, rumours, speculation or criticism of an individual to others or discussing issues in front of individuals who do not need to be a part of the discussion.
- Sharing information required to deliver services effectively vs. repeatedly ignoring questions or requests for information or deliberately failing to provide necessary/helpful information.
- Responding to on-call pages in a timely fashion vs. not being accessible or responding to pages when on-call.
- Written communication made in a respectful professional manner vs. unprofessional comments made about colleagues or co-workers.

## **Discrimination**

Discrimination is adverse differential treatment of an individual or group, whether intended or not, on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction. Discrimination of this nature imposes burdens or obligations on an individual or group that serves no work-related function. It is important to note that such conduct is not only a breach of this Policy; it may also be a breach of the BC Human Rights Code.

## **Discriminatory Harassment**

Discriminatory harassment is a form of discrimination and is also contrary to the BC Human Rights Code. Discriminatory harassment is abusive, unfair, offensive, or demeaning treatment of or disrespectful/disruptive conduct towards a person or group of persons related to their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction that a reasonable person would know or ought to know or would:

- have the effect of interfering with an individual's work or participation in work related activities; or
- create an intimidating, hostile or offensive environment for work or participation in a work-related activity.

*Examples of Discriminatory Harassment:*

- Teasing, joking, taunting, insulting or criticizing a person, directly or indirectly, verbally or in writing, based on his or her prohibited grounds (e.g. race, gender, age). This may include commentary regarding their ability to communicate clearly, physical appearance, work style, and level of intelligence.

**Sexual Harassment**

Sexual harassment is disrespectful/disruptive conduct of a sexual nature made by a person who knows or ought to reasonably know that such conduct or comment is unwanted or unwelcome; or an expressed or implied promise of a reward for complying with a request of a sexual nature; or an expressed or implied threat of reprisal for refusal to comply with such a request; or disrespectful/disruptive conduct of a sexual nature which is intended or reasonably would be known to create an intimidating, hostile or offensive environment.

*Examples of Sexual Harassment include:*

- verbal abuse or threats of a sexual nature;
- unwelcome remarks, jokes, innuendoes or taunting of a sexual nature;
- displaying of pornographic or other offensive pictures;
- unwelcome and/or repeated sexual invitations or requests;
- leering or other inappropriate sexually oriented gestures;
- unnecessary physical contact such as: touching, patting or pinching;
- sexual assault (this may also be a criminal matter);
- negative comments that are gender-based, and
- repeated behavior that a person has objections to and is known or should reasonably be known to the offender as being unwelcome.

**Personal Harassment**

Personal harassment is any behavior, including disrespectful/disruptive conduct by a person directed against another person that a reasonable person would know or ought to know would cause offence, humiliation or intimidation, where the conduct is not carried out in good faith and serves no legitimate work-related purpose.

*Examples of Personal Harassment:*

- swearing, yelling, or making derogatory gestures or comments to or about another individual;
- engaging in embarrassing practical jokes, ridicule, or malicious gossip;
- verbal or physical threats or physical assault.

## **Bullying**

Bullying is any repeated or systematic physical, verbal or psychological behaviour including disrespectful/disruptive behavior, which would be seen by a reasonable person as intending to belittle, intimidate, coerce or isolate another person.

Note: Personal harassment and/or bullying does not include social banter in the workplace that is objectively viewed as acceptable in tone and content. Nor does it include actions occasioned through the good faith management of the employment relationship, including decisions related to hiring, selection, performance evaluations, and progressive corrective discipline, provided that such decisions are made and implemented in a manner that is respectful of those involved. <http://www2.worksafebc.com/Topics/BullyingAndHarassment/RegulationAndGuidelines.asp?ReportID=37223>.

## **Methods of Communication**

Inappropriate communication that may violate this Policy may be transmitted in person, on the phone, and in writing, through email, texts, Facebook, Twitter and other social media messaging, and otherwise. Potential violations may consist of inappropriate communication made to a person and/or communication made about a person to others.

## **Fairness**

Parties, Bystanders, and Witnesses have a right to fair treatment in the consideration and adjudication of complaints and concerns under this policy. Fair treatment includes the right to:

- bring forward their concerns pursuant to processes within the Policy within a timely manner;
- being informed in a timely manner of Complaints made against them;
- an impartial and objective consideration and evaluation of the circumstances, through informal or formal intervention;
- confidentiality to the extent possible in the circumstances, including the avoidance of gossip, rumours and speculation by Party(ies), Witness(es) or others within the City;
- protection to any Party(ies) or Witness(es) from retaliation for participation in processes under this Policy
- being effectively informed of the outcome of any formal intervention;
- union representation for unionized staff; and
- other representation, for excluded staff.

## **Confidentiality**

All Bystanders, Witnesses, and Parties involved in a Complaint or in the informal/formal resolution of a Complaint, are expected to keep matters related to a Complaint confidential. This includes managers and supervisors who are privy to the Complaint or Complaint resolution process.

An established breach of confidentiality regarding a Complaint or Complaint resolution process shall be considered an independent violation of the Policy (regardless of the merits or conclusions regarding the Complaint) and may result in discipline.

Any allegation or Complaint under this Policy will be considered personal information supplied in confidence for the purpose of Section 22(2) (f) of the *Freedom of Information and Protection Privacy Act*. The names of those involved in the Complaint shall not be disclosed to any person except where necessary for the purpose of fairly investigating and determining the outcome of the complaint.

The substance of investigative reports and the substance of meetings held by those in authority to make decisions in relation to a Complaint, regardless of whether it is substantiated, will be protected from disclosure to third parties in accordance with Section 19 of the *Freedom of Information and Protection Privacy Act*.

## **Complaint Resolution**

Complainants are encouraged to resolve Complaints/concerns with others as soon as they arise using the informal process set out below, unless it is clearly inappropriate in all of the circumstances.

Without limiting its application, the informal resolution process is commonly used in circumstances where the alleged concern/conduct appears to be: (a) non-repetitive (a 'one-off' discussion/interaction); and (b) relatively minor in severity or seriousness, considering its content, potential impact on the individual and/or the safety/health of the overall organization.

Although the Complainant(s) may indicate that he/she prefers the informal process, the City of Vernon may at any time exercise its discretion to initiate a formal process based upon its overall review of the circumstances.

## **PROCEDURES**

### **Informal Processes**

#### **Step 1 – Resolution (Informal Conversation)**

Wherever reasonable, the Complainant(s) should address the person with whom he/she is having difficulty (the Respondent(s)) in a direct and discreet (confidential) manner as soon as possible following the incident.

If the Complainant(s) is not comfortable taking this step, or if the Complainant(s) has done so without success, then the Complainant(s) should proceed to the next step.

#### **Step 2 – Resolution (Manager/Designate Involvement)**

The Complainant(s) or Bystander(s) should approach his/her manager or director with his/her concerns including particular examples of inappropriate statements or verbal or non-verbal behaviours by the Respondent(s), dates, times, witnesses, and as much detail as possible. This should be done as soon as reasonably possible following the incident/behaviours. The manager or director should contact Human Resources.

If the Complainant(s) or Bystander(s) is uncomfortable approaching any of these individuals, or if the individuals are the Respondent(s) or if the individuals are perceived by the Complainant(s) to be part of the problem, then the Complainant(s) or Bystander(s) can speak to Human Resources.

Human Resources will review the concern and where appropriate should directly or indirectly facilitate a resolution in a manner that it considers most effective and reasonable considering all of the circumstances.

Interventions by managers or directors, Human Resources in Step 2 may include one or more of the following possibilities (or other similar interventions):

- meeting separately with each person involved in the concern to discuss and investigate the situation;
- meeting together with the persons involved to facilitate a discussion aimed at understanding and resolving the issue in a practical, non-punitive manner or mediating a solution that works for all Parties;
- coaching one or more of the Parties (verbally or in writing) on workplace expectations regarding appropriate workplace behavior or performance;
- recommending or applying progressive discipline when warranted i.e. based on the findings and severity of the misconduct found;
- engaging the support of Human Resources to assist with Step 2 processes, or
- engaging an external third party facilitator or mediator to work with the Parties and others involved to achieve a confidential, practical and mutually agreeable

resolution to outstanding concerns without making findings against any Parties (Mediation).

The above noted intervention/preliminary investigation should be completed on or before 30 days after the final interview. The time-lines will be reasonably extended at the request of the lead investigator based on a number of factors, including extenuating circumstances or complexities surrounding a particular investigation/intervention.

If, at the outset of or at any time during the Step 2 process, the individual who receives the reported Complaint/concern concludes that, given the severity of the behaviours alleged in the Complaint, including their potential physical or psychological impact on the Complainant(s) or other employees at the City of Vernon, a formal investigation is warranted, then the matter should be immediately referred to Step 3 of the Policy for investigation and resolution.

### **Formal Processes**

#### **Step 3 – Investigation**

The formal process involves an objective investigation of a written Complaint/concern that has been brought forward to Human Resources, the Complaint.

Once the Complaint has been received by the immediate supervisor, manager, or Human Resources representative; the Complainant(s) will be asked to complete a formal Complaint form. This form seeks the following details:

- Complainant(s) name and position;
- name and position(s) of the Respondent(s);
- address or location where the incident occurred;
- detailed summary of all of the specific incidents or examples of behavior that have led to the filing of the Complaint;
- date(s) and time of each incident;
- names of the individual(s) alleged to have engaged in the unacceptable conduct;
- details of the Complaint(s) – that is, the specifics of what was said or done to the Complainant(s) to have triggered the Complaint;
- identity of any potential witnesses;
- impact of the behaviour on the Complainant(s); and
- steps taken, though Steps 1 or 2 of the Policy, to address the Complaint and the outcome of those processes.

The Complainant(s) must sign and date the Complaint and send to the designated individuals set out above by either:

- envelope marked **Confidential**; or

- scanning the signed complaint and sending it via email indicating **Confidential**.

The filing of a formal Complaint does not mean that a formal investigation will automatically be conducted. The manner in which a Complaint is resolved will be determined by the City, following consultation with the Parties, and will depend on a number of factors, including the nature, extent and severity of allegations brought forward by the Complainant(s) and the history of circumstances leading up to the filing of the formal Complaint.

Following this review, the individual(s) who receives the Complaint may take one of the following steps:

- refer the matter back to Step 2 to resolve the matter through informal processes;  
or
- assign an internal or external Investigator to conduct a formal investigation of the Complaint.

### **Appointment of Investigator**

Factors that the City will consider in determining whether to retain an internal or external investigator may include: the overall complexity of the facts/law related to the Complaint; the Parties to the Complaint, the anticipated length of time necessary to conduct the investigation; the potential severity of the outcome(s) of the investigation in relation to the Respondent(s) should the Complaint be substantiated; and any other relevant circumstances.

Internal investigators shall have sufficient prior experience and/or training in conducting workplace investigations and shall have no previous involvement in the facts/circumstances giving rise to the Complaint.

External investigators shall be appointed by the Director, Human Resources, in consultation with the Chief Administrative Officer (CAO) and at his/her discretion.

### **Time Limits**

The time limit for making a formal complaint is within six (6) months from the date of the last incident. This is consistent with the time limits noted in the BC Human Rights Code.

### **Interim Measures**

It may be necessary to take interim measures, such as transfers/leaves/restrictions on contact or communication while a Complaint is being investigated. Such measures will be precautionary, not disciplinary.

### **Mediation during the Formal Process**

Where appropriate, mediation is available to Parties to try to resolve the Complaint at any point during the process. Any ongoing investigation will be suspended during mediation and will resume if mediation is unsuccessful.

Unless explicitly agreed to by the Parties in writing, the investigator shall not act as the mediator and shall have no communication with the mediator regarding the Complaint at any time.

### **Withdrawal of a Formal Complaint**

At any time during the course of an investigation of a formal Complaint, the Complainant(s) may choose to withdraw his or her Complaint without penalty so long as the Complaint was filed in good faith. In such circumstances, there should be no indication of the complaint in the personnel files of the Complainant(s) or Respondent(s).

### **The Investigation Process and Role of the Investigator**

The investigator will take a reasonable amount of time to conduct the investigation to interview the Parties and relevant Witnesses and obtain and review any potentially relevant documents.

The investigator will prepare a report of investigation outlining his/her findings and conclusions and submit the report to the relevant Human Resources Representative.

The findings and conclusions may relate to both the conduct at issue and the medical/emotional/financial impact of the conduct on those involved.

The investigator may include recommendations in the report of investigation, where applicable and if requested by the City.

The City will advise both the Complainant(s) and Respondent(s) of the findings and conclusions of the investigation and any recommendations related to their conduct, through a written summary of the report. Other Parties involved in the complaint (Witnesses and others) will be advised that the investigation has been concluded (without being provided any further information).

### **Appeals**

Within 15 days of receiving a summary of the report of investigation, either Party(ies) may file an appeal with the City.

The appeal shall be based upon and restricted to, specific concerns related to the investigative process. The appeal shall not constitute an avenue in which to re-investigate the Complaint.

The CAO shall review the report of investigation to evaluate the fairness of the process and has sole discretion to take further action based upon his/her review.

The decision of the CAO is final.

### **Complaints involving City's Chief Administrative Officer, the Mayor or Members of City Council**

#### **External Investigator**

Complaints brought under this policy against the Chief Administrative Officer, the Mayor or Members of City Council shall be presented to an external investigator with expertise regarding matters covered under this policy.

The external investigator will be retained by and will report directly to the Mayor and Chief Administrative Officer in cases involving the Members of Council. In cases involving the Mayor, the external investigator will be retained by and will report directly to the Chief Administrative Officer. In cases involving the Chief Administrative Officer, the external investigator will be retained by and will report directly to the Mayor.

### **Outcomes**

#### **General Outcomes**

Once the appeal period has expired or the appeal has been concluded, the City will inform the Complainant(s) and Respondent(s) of its final implementation plan based upon the report of investigation.

Part of the implementation plan may include processes similar to those set out in Step 2, in order to help rebuild/repair the relationships.

Outcomes that may be included in the implementation plans include one or more of the following:

- oral and/or written apology from the parties;
- adjustments to the workplace environment;
- coaching of expectations – verbal or in writing;
- medical assessment referrals;
- training;
- transfers to a different department; and/or

- institution of formal discipline and disciplinary processes, up to and including suspension/removal from premises for contractors, visitors and volunteers; and
- mediation.

Discipline in accordance with Corporate Policy may arise if such action is warranted based on the severity of the findings/conclusions of the investigation.

The Complainant(s) and Respondent(s) will only receive information relevant to their role in the final implementation plan; they will not be privy to recommendations related to the other Party(ies).

### **Outcomes**

City management will determine and implement specific consequences and remedies that are reflective of and relevant to the investigative findings/conclusions within a reasonable period of time after receipt of the report of investigation.

Any Party(ies) who disagrees with the nature/extent of action or disciplinary action imposed by the City as a result of the investigation should access the usual grievance/appeal process set out in the relevant collective agreements and City of Vernon policies.

### **Other Important Points**

#### **Malicious/Vexatious/Frivolous Complaints of Misuse of the Policy**

In circumstances where a Complaint is found to have been made in bad faith or determined to be vexatious, frivolous or a general misuse of the Policy, the Complainant(s) may face similar outcomes as a Respondent(s) as set out above (ie. Interventions ranging from coaching to formal disciplinary intervention).

This section of the Policy may apply to filed Complaints as well as any circumstances in which individuals repeatedly threaten to file Complaints against others in order to achieve similar ends.

A Complaint, or threatened Complaint, will be deemed to have been made in bad faith when, considering all of the circumstances surrounding the complaint including its timing and context, the Complaint was found to have been made solely in an attempt to:

- influence or overturn decisions related to the Complainant's employment;
- intimidate, threaten or cause trouble to the Respondent(s);
- create a hostile or intimidating workplace environment for others, including the Respondent(s); or

- create a potential personal benefit or entitlement to the Complainant(s).

Misuse of the Policy may include unreasonable, repetitive filing of Complaints or concerns that are consistently found to be unsubstantiated.

In circumstances where a Complaint has been found to be malicious, vexatious or a misuse of the Policy, the Respondent(s) may be awarded the same remedies as those available to Complainant(s) as set out above (interventions ranging from an apology to compensation for established losses).

### **Unsubstantiated Complaints**

If the investigator finds insufficient evidence to support the Complainant's allegations and finds that there has been no misuse of the Policy or bad faith in filing the Complaint, no action will be taken in relation to the complaint. There will be no record of the Complaint on the Respondent's file.

### **Consequences of Retaliation**

Any established retaliation against any Party(ies), Bystander(s) or Witness(es) involved in an informal or formal resolution process shall be considered an independent violation of the Policy (regardless of the merits or outcome of the initial concern or Complaint) and shall result in discipline commensurate with the severity of the conduct.

### **Multiple Proceedings**

This Policy is in addition to and not in substitution for any rights an individual may have to pursue action, whether under collective agreements, policies including any applicable legislation, including human rights legislation.

If at any time a staff member elects to initiate other legal proceedings or if the staff member takes any steps outside of those contemplated in this policy, the City may discontinue any procedures taken under this policy as a result of the Complaint (depending on a consideration of all of the circumstances).

Potentially criminal behaviour such as an assault, significant threats, or attempts at extortion shall be directly referred to the RCMP by the City upon receipt of a Complaint of this nature.