

# Report to Council



**Date:** October 16, 2023  
**To:** Council  
**From:** City Manager  
**Subject:** Downtown Kelowna Business Improvement Area – BL12575  
**Department:** Office of the City Clerk

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## **Recommendation:**

THAT Council receives for information, the Certificate of Sufficiency from the City Clerk dated October 16, 2023 pertaining to the establishment of the Downtown Kelowna Business Improvement Area.

AND THAT Bylaw No. 12575 being the Downtown Kelowna Business Improvement Area Bylaw be forwarded for adoption consideration.

## **Purpose:**

To submit the Certificate of Sufficiency for the Downtown Kelowna Business Improvement Area and to advance Bylaw No. 12575 for adoption.

## **Background:**

At the Regular Council Meeting on August 14, 2023, three readings were given to the Downtown Kelowna Business Improvement Area Bylaw No. 12575, which authorizes the continuation of a Business Improvement Area ("BIA") in Downtown Kelowna over a 5-year period (January 1, 2024 through December 31, 2028).

Under the provisions of the *Community Charter*, notice was advertised in the Daily Courier on August 18, 2023 and August 23, 2023 and was posted on the Notice Board at City Hall on August 15, 2023. Notices were mailed to the owners of the 524 affected parcels on August 15, 2023 and August 16, 2023 giving a deadline of 4:00 p.m. Friday, September 29, 2023 for receipt of petitions against Bylaw No. 12575.

As of the deadline date, the Office of the City Clerk received 27 petitions, of which 18 are valid and 9 are invalid. The 9 invalid petitions were received from a strata hotel where the signatures did not represent at least 50% of the parcels that would be subject to the local service tax as per the requirement in Section 212 (3) of the Community Charter .

As an insufficient number of valid petitions were received prior to the petition deadline, Council may now consider adoption of the bylaw.

**Internal Circulation:**

Revenue Services

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

*Community Charter, Sections 94, 211, 212 and 215*

***Legal/Statutory Procedural Requirements:*** Under the *Community Charter*, notices must be mailed to affected property owners, and advertisements must be placed in a local newspaper and on a public notice board. Petitions against the proposed bylaw must be received by the Officer responsible for Corporate Administration (the City Clerk) by the deadline set by Council, and must be certified as sufficient or not, according to the requirements of the legislation.

**Considerations not applicable to this report:**

***Existing Policy:***

***Financial/Budgetary Considerations:***

***Consultation and Engagement:***

***Communications Comments:***

Submitted by:

Stephen Fleming, City Clerk

cc: Revenue Supervisor

Attachment: Certificate of Sufficiency