

File No.: 04-1000-20-2022-055

March 17, 2022

s.22(1)

Dear s.22(1)

**Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of February 2, 2022 under the *Freedom of Information and Protection of Privacy Act, (the Act)*, for:

**Records regarding policies, initiatives, and decisions related to graffiti and vandalism in Chinatown including, but not limited to, briefing materials, reports, and PowerPoint presentations and excluding email correspondence.  
Date range: February 1, 2021 to February 1, 2022.**

All responsive records are attached. Note that the following records relate to this request and are publically available:

- Council report on Graffiti Abatement Grants to Business Improvement Associations (BIAs) from the July 6, 2021 meeting minutes:  
<https://council.vancouver.ca/20210706/documents/r3.pdf>
- Council motion from May 27, 2021 that instigated the report:  
<https://council.vancouver.ca/20210519/documents/pspc9.pdf>

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, [info@oipc.bc.ca](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2022-055); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,

*[Signed by Cobi Falconer]*

**Cobi Falconer, MAS, MLIS, CIPP/C**  
**Director, Access to Information & Privacy**  
[cobi.falconer@vancouver.ca](mailto:cobi.falconer@vancouver.ca)  
453 W. 12th Avenue Vancouver BC V5Y 1V4

If you have any questions, please email us at [foi@vancouver.ca](mailto:foi@vancouver.ca) and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604-871-6584.

Encl. (Response Package)

:aa

**Grant Letter Agreement**

1. This is an agreement between the City of Vancouver (the "City") and the Vancouver Chinatown BIA Society (the "BIA").
2. This agreement relates to a grant approved by City Council on July 6, 2021.
3. A grant in the amount of \$50,000 (the "Grant") is to be given to the BIA, in order for the BIA to undertake graffiti abatement.
4. If requested, the BIA must provide the City with receipts accounting for the full amount of the Grant.
5. The BIA will only use the Grant to pay costs directly associated with graffiti abatement, as set out in Schedule A, and in areas of the City detailed in the map in Schedule B. The BIA will not use the Grant for any purpose other than the graffiti abatement.
6. The BIA must only remove or abate graffiti from a property with the permission of the property owner, and hereby agrees to indemnify the City from any and all claims against the City arising in any manner from the use of the Grant.
7. The BIA will not transfer the Grant or any part of the Grant to any person, society, company, entity, or legal entity of any kind except as required to undertake the graffiti abatement described in Schedule A.
8. The following sub-sections of Section 4 of the Model BIA Grant Allocation By-law (attached as Schedule C) apply to this Agreement: Subsections f) g) h) i) j) k) l) and m).
9. The BIA will deposit the Grant in an account or sub-account separate from the BIA levy authorized under the Vancouver Charter and the BIA's Designation and Grant Allocation By-law, and separate from funds received by the BIA from other sources.
10. The BIA's audited financial statements must include a separate schedule for the Grant and revenue derived from the Grant.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement as of

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

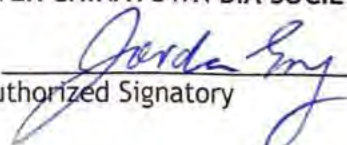
**CITY OF VANCOUVER**

Per: \_\_\_\_\_

**VANCOUVER CHINATOWN BIA SOCIETY**

Per: \_\_\_\_\_

Authorized Signatory

  
**JORDAN ENG**  
**PRESIDENT**

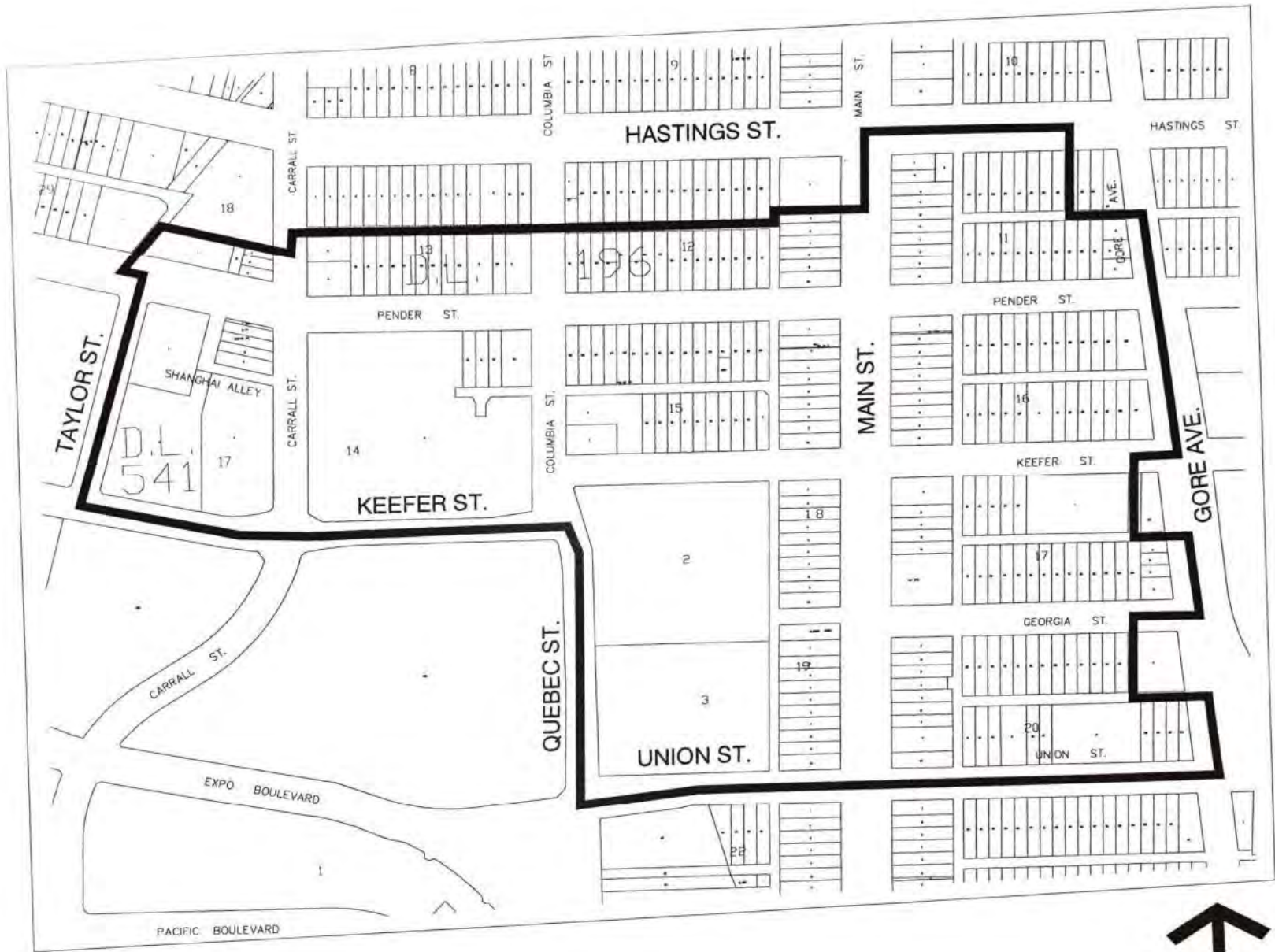
## SCHEDULE A

### The graffiti abatement may include the following:

- 1) Removal or paint-out of graffiti, graffiti tags, images and similar unauthorized markings from:
  - a) non-City owned public property, buildings, structures, awnings, signs, pavements and other surfaces; and
  - b) privately owned property, buildings, structures, awnings, signs, pavements and other surfaces;
- 2) Graffiti prevention measures
- 3) Restoration of surfaces described in Section 1, including but not limited to repair of existing murals, signage or artwork, including graffiti abatement coatings
- 4) Administration directly related to:
  - a) graffiti abatement contracts/contractors, in-house graffiti abatement activities, and/or volunteers specifically related to the Abatements
  - b) obtaining approvals from property owners and/or business tenants

### The graffiti abatement must not include the following:

- 1) Graffiti abatement already covered under existing graffiti abatement contracts
- 2) Production of new graffiti prevention murals



SCHEDULE B

# Chinatown B.I.A.

## SCHEDULE C

BY-LAW NO. \_\_\_\_\_

### A By-law to Grant Money for a Business Promotion Scheme in the XXXX Business Improvement Area

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. The name of this By-law, for citation, is the “XXXX Business Improvement Area Grant Allocation By-law”.

2. In this By-law:

“accountant” means a member in good standing, or a partnership whose partners are members in good standing, of the Chartered Professional Accountants of British Columbia and who is authorized to carry on public practice;

“Association” means the XXXX Business Improvement Association;

“audited financial statements” mean financial statements that have been audited by an accountant and that include a Statement of Financial Position, a Statement of Revenue and Expenditures, a Statement of Cash Flows, a Statement of Retained Earnings or Equity, and a separate schedule for grant money and revenue derived from grant money;

“budget” means a budget based on a fiscal year commencing April 1, containing information sufficient in detail to describe anticipated expenses and revenues, including anticipated non-grant expenses and revenues, and that has been approved at a general meeting of the Association;

“business improvement area” means the area of the city designated by Council as the XXXX Business Improvement Area;

“business promotion scheme” means a business promotion scheme as defined in section 455 of the Vancouver Charter;

“declaration of meeting” means a document that includes a copy of the draft minutes of a general meeting, together with a declaration that all persons eligible to be BIA members were notified of the meeting, the meeting was duly convened and conducted, a quorum was achieved and maintained, and, in the case of an annual general meeting, that the budget and audited financial statements were approved;

“Director” means the Director of Finance appointed by Council and any person authorized to act on behalf of the Director of Finance;

“grant money” means any money granted to the Association by Council pursuant to this By-law;

“list of directors” means a list of the names and executive positions of continuing and newly elected directors, together with contact information for one director;

“owner” means all persons who own class 5 or class 6 properties in the business improvement area;

“summary budget” means a budget in a form satisfactory to the Director; and

“tenant” means all persons who lease class 5 or class 6 properties in the business improvement area.

3. Subject to the XXXX Business Improvement Area Designation By-Law, the terms and conditions set out in this By-law, and Council’s approval of the budget referred to in section 4, Council, by annual resolution, may grant money to the Association at such times and in such amounts as Council determines.

4. The grant money may be paid to the Association, subject to the following conditions:
- (a) the Association must have as one of its aims, functions or purposes the planning and implementation of a business promotion scheme;
  - (b) the Association must give at least 60 days notice to the Director of any general meeting at which the Association proposes the amendment of its constitution or by-laws, together with the text of the proposed amendments;
  - (c) the Association must not alter its constitution and by-laws without first obtaining the consent of the Director;
  - (d) the grant money must only be spent by the Association;
  - (e) the Association must only spend the grant money for a business promotion scheme;
  - (f) on or before December 31<sup>st</sup> of each year, the Association must submit a summary budget and a budget to the Director for approval by Council;
  - (g) on or before September 30<sup>th</sup> of each year, the Association must deliver the Association’s audited financial statements to the Director;
  - (h) the Association must keep grant money and revenue derived from grant money in a separate account or sub-account;
  - (i) the Association must:
    - (i) have sufficient funds to pay all its debts, and
    - (ii) insofar as possible, pay all its debts,by the end of the fiscal year;
  - (j) the Association must permit the Director to inspect all financial records that, in the opinion of the Director, must be inspected in order to verify and obtain

further particulars of budgets and audited financial statements as they relate to grant money, except that such inspections must take place during normal business hours and on reasonable notice;

- (k) the Association may invest any grant money not required for immediate use but must do so only in securities in which trustees are authorized to invest in accordance with the Trustee Act of British Columbia;
- (l) the Association must carry commercial general liability insurance:
  - (i) in the amount of at least \$5,000,000.00,
  - (ii) with a maximum deductible of \$5000.00,
  - (iii) naming the city as an additional named insured,
  - (iv) containing a cross coverage provision, and
  - (v) including an endorsement stating that the Director will be given 30 days' notice of any material change to or cancellation of the policy;
- (m) the Association must provide proof of insurance, to the satisfaction of the Director, annually and within 30 days of the effective date of the insurance or insurance renewal;
- (n) the Association must give notice to the Director of every general meeting, other than a meeting referred to in subsection (b), together with the financial and membership information that is provided to owners and tenants in accordance with subsection (o), at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means;
- (o) the Association must give notice of every general meeting to all owners and tenants, together with the proposed budget, the audited financial statements, and membership application information, at least 14 days before the date scheduled for the meeting if delivered by hand or transmitted via facsimile or electronically, and at least 21 days before the date scheduled for the meeting if delivered by any other means;
- (p) notice of a general meeting:
  - (i) if sent to owners by mail, must be sent to their address as ascertained from the most recent assessment roll for the City of Vancouver,
  - (ii) may be given to owners, tenants or the Director by hand delivery to their business address, or by mail, e mail or facsimile or similar means, and
  - (iii) must not be given solely by means of publication in a newspaper or on a website;



- (a) the quorum at a general meeting must be 15 members present in person or by proxy, provided that no fewer than eight members be present in person;
- (r) within 30 days of every general meeting, the Association must submit to the Director:
  - (i) a declaration of meeting, and
  - (ii) in the case of an annual general meeting, a list of directors; and
- (s) the board of directors of the Association must include at least one property owner and one business owner.

5. The Association must comply with all the provisions of this By-law.

6. If, in the opinion of the Director, the Association has failed to comply with any of the provisions in this By-law, the Director may withhold payment of all or part of the grant money.

7. This By-law is to come into force and take effect on April 1, 20XX, and is to expire and have no further force or effect after March 31, 20XX.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 20XX

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk