



July 17, 2025

Reference: 187240

His Worship Kevin Murdoch
Mayor, District of Oak Bay
2167 Oak Bay Avenue
Victoria BC V8R 1G2
Email: mayor@oakbay.ca

Dear Mayor Murdoch:

Thank you for your letter of June 19, 2025, regarding the proposed directives for the District of Oak Bay. I appreciate your thorough analysis and feedback, and I acknowledge our shared interest in meeting the housing needs of British Columbians. I am also encouraged to know that work is underway to implement many of the Advisor's recommendations.

After receiving the District's first annual progress report, I determined that satisfactory progress was not being made towards meeting the housing target. The intent of the compliance provisions under the *Housing Supply Act* (the Act) is to enable the Province to intervene to ensure that municipalities are making progress towards meeting their target. In January 2025, I commenced compliance action under the Act and appointed an Advisor to review the District's development approval processes, land-use planning, and housing policies and practices; the Advisor conducted a two-month review and provided a report with recommendations.

Based on the Advisor Report, I prepared proposed directives to initiate the directive process. The District was issued a letter on May 21, 2025, identifying the proposed directives which commenced a 30-day consultation period. Your June 19, 2025, response, as well as subsequent discussion with staff, was highly informative and helped me understand how the proposed directives align with current Council initiatives.

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Please note, I have revised the deadline for directives to December 31, 2025, after considering your feedback and status of projects shared during staff consultation. The shorter timeline aligns with the deadline for proactive planning and ensures all required Official Community Plan updates are considered at the same time.

Pursuant to Section 11 of the *Housing Supply Act*, and after satisfying consultation requirements referred to in Section 7, I am issuing two directives (see Appendix A) and two enhanced reporting requirements (see Appendix B). If the District of Oak Bay does not comply with the attached directives by the stated date, I intend to recommend that the Lieutenant Governor in Council, by order, enact or amend the relevant bylaw on the District's behalf.

Regarding the recommendations of the Advisor, I encourage all municipalities to consider the Advisor's report and how they can implement similar approaches to address housing needs. I understand implementing the Advisor's recommendations will take time and I look forward to receiving updates through annual progress reporting.

Thank you again for your feedback and continued effort to increase housing supply in your community. Ministry staff will remain available to continue working with District staff to provide guidance on the implementation of the directives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ravi Kahlon', is positioned above the printed name and title.

Ravi Kahlon
Minister of Housing and Municipal Affairs

Appendix A: Directives

Appendix B: Enhanced Reporting Requirements

CC: Selina Williams, Chief Administrative Officer

Directive #1: Delegation of Minor Variances to Staff:

The District of Oak Bay must amend its Development Application Procedures Bylaw to delegate minor development variance permits to municipal staff in accordance with section 498.1 of the Local Government Act, by December 31, 2025.

Criteria:**A. Setback:**

- Variances to minimum setbacks of less than 25% of a required setback, AND
- The proposed variance to the setback from building(s) or structure(s) to a property line results in a setback that remains greater than or equal to 1.5 metres.

B. Roof Height and Building Height:

- The proposed variance to the height of a building(s) or structure(s) is 10% or less in excess of the allowed height as set out in the Zoning Bylaw.

C. Projections into the Required Setback:

- Proposed variances that increase projections into a required setback by no more than 25% of what is permitted in s.4.6.4 of the Zoning Bylaw, for the following portions of a building and structure:
 - Enclosed stairs
 - Chimneys
 - Porches
 - Accessibility ramps
 - Balconies
 - Patios and attached decks
 - Below grade stairs

D. Building Separation Regulation:

- The proposed variance is not more than 10% of the requirement as set out in each relevant residential use zone in the Zoning Bylaw.

E. Siting of Paved Surfaces:

- The proposed variance allows an increase in the maximum permitted paved surface area of 10% or less of the required paved surface area requirement as set out in s.4.15 of the Zoning Bylaw.

F. Live landscaping requirement:

- The proposed variance is 10% or less of the required live landscaping requirement of each Residential Use (R1-5) zone in the Zoning Bylaw and the variance is justified by a report from a Qualified Landscape Architect demonstrating why the requirement cannot be met on the site.

G. Fence Height:

- The proposed variance is no greater than 25% of the maximum permitted fence height and no greater than 2m in height as set out in the Screens and Fences Bylaw.

Guidelines for issuing a development variance permit:

A development variance permit can be issued if:

- A. If the proposed variance is necessary to address a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way etc.,)
- B. If there is a community or environmental benefit to the larger community in granting the variance.

A development Variance permit can be issued by:

- A. The Director of Planning Services, or designate

The Director must not issue a development variance permit for a minor variance if, in their opinion, the proposed variance would result in any of the following:

- A. inappropriate development of the site.
- B. adversely affect the natural environment; (c) substantially affect the use and enjoyment of adjacent land.

The bylaw must not limit the number of minor variances that can be requested by an applicant.

Directive #2: Amending Parking Facilities Bylaw

The District must amend its Parking Facilities Bylaw for sites containing multiple units, to a minimum of one parking stall per unit where the Bylaw currently requires a minimum of more than one parking stall per unit, by December 31, 2025.

Criteria:

Zones to be amended in the Parking Facilities Bylaw include, and are not limited to the following:

- R-1, R-2, R-3, R-4, R-5: Residential Use
- C-1, C-4, C-5: Comprehensive Development Use (Where for residential use)
- RM-1LD: Multiple dwellings use - low density
- RM-1MD: Multiple dwellings use - medium density
- RM-1HD: Multiple dwellings use – high density
- RM-2: Multiple dwellings use - two storey
- RM-3: Multiple dwellings use - three storey
- RM-3HD: Multiple dwellings use – high density three storey
- RM-4: Multiple dwellings use - four storey
- RM-8: Multiple dwellings use - eight storey
- RM-MC1: Multiple Dwelling/Commercial Mixed Use (where for residential use)
- RM-MC4: Multiple Dwelling/Commercial Mixed Use (where for residential use).
- MS-7: Multiple Dwelling Supportive Housing Use – Seven Storey

Enhanced Reporting #1: Official Community Plan Update

The District of Oak Bay must provide updates in its Year 2 Progress Report on work toward meeting the December 31, 2025, deadline for updating the Official Community Plan, with a focus on housing.

Enhanced Reporting #2: Revise Blasting Regulations

The District of Oak Bay must provide updates in its Year 2 and 3 Progress Reports on work toward amending the Building and Plumbing Bylaw in relation to blasting activities, in consultation with the development community.