

## Attachment 3

### *Background*

## **BACKGROUND**

### **Provincial Legislation**

The BC Community Care and Assisted Living Act has the following provisions, as excerpted:

- 20 (1) This section applies to a community care facility
- (a) for which a licence has been issued,
  - (b) that is being, or is to be, used
    - (ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care,
- (2) A provision in an enactment of British Columbia, other than this Act, or of a municipality, does not apply to a community care facility described in subsection
- (1) if that provision would
    - (a) limit the number of persons in care who may be accepted or accommodated at the community care facility,
    - (b) limit the types of care that may be provided to persons in care at the community care facility, or
    - (c) apply to the community care facility only because
      - (i) it is not being used as a single family dwelling house, or
      - (ii) it operates as a community care facility, a charitable enterprise or a commercial venture.

In other words, a licensed community care facility of up to six people in care, and up to 10 residents, would be permitted outright as a land use at the subject property; as per Provincial legislation. The increase from up to six people in care to up to 10 people in care, and the increase of total number of residents from 10 to 11, are what precipitate the need for the City to consider issuance of a Temporary Use Permit for the proposed use.