

A G E N D A

FOR THE **REGULAR MEETING OF RED DEER CITY COUNCIL**

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

MONDAY, JUNE 4, 2001

COMMENCING AT **4:30 P.M.**

- (1) Confirmation of the Minutes of the regular meeting of Tuesday, May 22, 2001

Page #

- (2) **UNFINISHED BUSINESS**

- (3) **PUBLIC HEARINGS**

1. City Clerk – Re: Aspen Ridge – Phase 7, Plan 002 4107:

(a) **Road Closure Bylaw 3283/2001**

(b) **Disposal of Municipal Reserve**

(Consideration of 2nd & 3rd Readings of the Bylaws)

.. 1

- (4) **REPORTS**

1. Emergency Services Manager – Re: Ambulance Service Delivery / Discussion Paper

.. 7

2. Land & Economic Development Manager – Re: Sale of Part of Lot 7, Block 25, Plan 1772 NY to Hafso Developments Ltd.

.. 27

3. Community Housing Advisory Committee – Re: Recommendations from the Community Housing Advisory Committee

.. 32

4. Acting Engineering Services Manager – Re: **Traffic Bylaw Amendment 3186/A-2001** / Request to Amend Traffic Bylaw 3186/97 / Proposed Speed Limit Reduction on 39 Street / (Consideration of Three Readings of the Bylaw)

.. 40

5.	Land & Economic Development Manager – Re: Lot Pricing in Kentwood West – Phase 13	.. 44
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7.	Parkland Community Planning Services – Re: Proposed Neighbourhood Area Structure Plan Amendment / Deer Park Northeast (Davenport) / Bylaw Amendment 3217/C-2001 / (Consideration of First Reading of the Bylaw)	.. 52
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	(a) Request to Amend Health Bylaw	
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(5)	CORRESPONDENCE	
(6)	PETITIONS AND DELEGATIONS	
(7)	NOTICES OF MOTION	
(8)	WRITTEN INQUIRIES	
(9)	BYLAWS	
1.	3156/X-2001 – Land Use Bylaw Amendment / Deer Park (Davenport) Neighbourhood – Phase 8B / Proposed Redesignation of Land from R1 Residential Low Density to R1N Residential Narrow Lot District / - First Reading	.. 132 .. 57
2.	3186/A-2001 – Traffic Bylaw Amendment / Proposed Speed Limit Reduction on 39 Street / - Three Readings	.. 134 .. 40
3.	3217/C-2001 – Aspen Ridge Neighbourhood Area Structure Plan Amendment / - 1 st Reading	.. 136 .. 52

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- ..1

Item No. 1
Public Hearings

DATE: May 30, 2001

TO: City Council

FROM: City Clerk

Re: *Aspen Ridge – Phase 7 / Plan 002 4107:*
(a) *Road Closure Bylaw 3283/2001*
(b) *Disposal of Municipal Reserve*

History

At the May 7th meeting of Council, first reading was given to Road Closure Bylaw 3283/2001 and the following resolution was passed, regarding the above:

Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated May 2, 2001, re: Aspen Ridge – Phase 7, Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002 4107, hereby agrees that the following resolution be considered at the Council meeting of Monday, June 4, 2001 and to allow for the advertising of a Public Hearing to be held on Monday, June 4, 2001:

“Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated May 2, 2001, re: Aspen Ridge – Phase 7, Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002 4107, hereby agrees to the disposal of municipal reserve lands described as:

‘All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____(Aspen Ridge – Phase 7). Excepting thereout all mines and minerals.’”

Public Consultation Process

The noted Disposal of Municipal Reserve and Road Closure Bylaw are related to the redesign of Aspen Ridge to accommodate a district commercial shopping centre. The Road Closure Bylaw and Disposal of Municipal Reserve will facilitate the relocation of the street entrance in Phase 7.

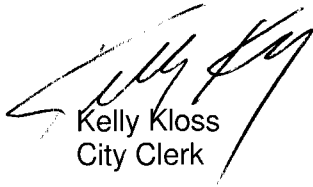
Public Hearings have been advertised for the above noted Road Closure Bylaw and Disposal of Municipal Reserve, to be held on Monday, June 4, 2001, at 7:00 p.m. in the Council Chambers. In addition to the owners of the sites, the owners of the properties bordering the site have been notified by letter of the Public Hearing.

City Council
May 30, 2001
Page 2

Recommendation

Following the Public Hearing, Council may

1. Consider 2nd and 3rd readings of Bylaw 3283/2001.
2. Pass a resolution agreeing to the Disposal of Municipal Reserve lands.



Kelly Kloss
City Clerk

/clr
attchs.

MEMO

DATE: May 2, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land and Economic Development Manager

RE: **Aspen Ridge- Phase 7 - Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002-4107**
Road closure Bylaw 3283/2001

At the April 23, 2001 meeting of City Council, Parkland Community Planning Services presented three reports related to the redesign of Aspen Ridge to accommodate a district commercial shopping centre. First reading was given to the East Hill Major Area Structure Plan Bylaw Amendment 3207/A-2001; the Aspen Ridge Neighborhood Area Structure Plan Bylaw Amendment 3217/B-2001; and Land Use Bylaw Amendment 3156/2-2001.

We have now received the attached request from Al-Terra Engineering, on behalf of their client, to proceed with the corresponding road closures and disposal of Municipal Reserve in Plan 002-4107, as designated in Land Use Bylaw Amendment 3156/2-2001, to relocate the street entrance in Phase 7.

Recommendation

The Land and Economic Development Department recommends City Council proceed with first reading for the following:

Partial Road Closures:

"All that portion of Averill Street, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge Phase 7). Excepting thereout all mines and minerals." and

Partial Disposal of Municipal Reserve:

"All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge Phase 7). Excepting thereout all mines and minerals."

Respectfully submitted,

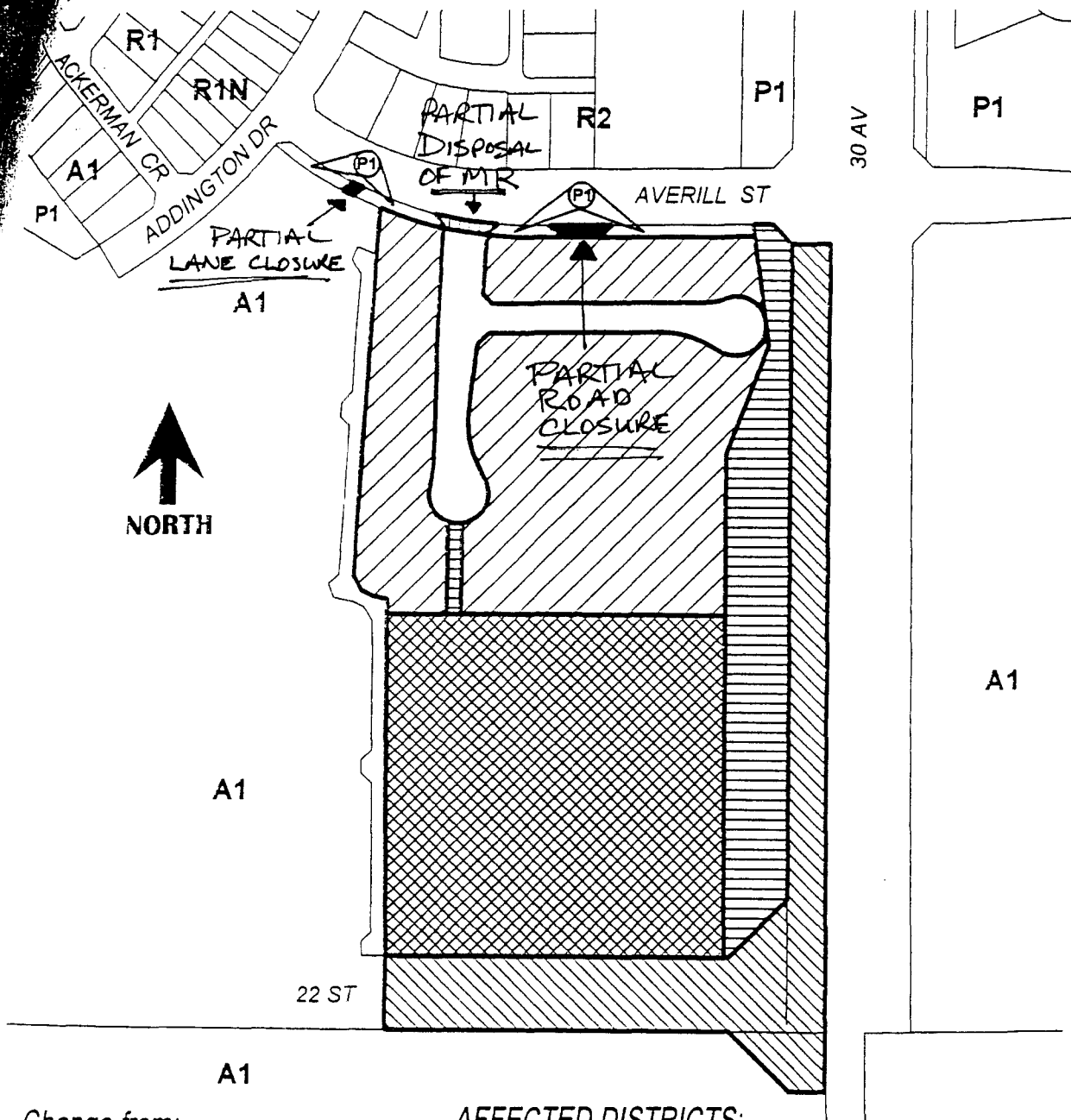


Howard Thompson, Ec.D.

c. Parkland Community Planning Services

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from:

A1 to R1A	
A1 to P1	
A1 to C2	
A1 to Road	
P1 to Road	
Road to P1	

AFFECTED DISTRICTS:

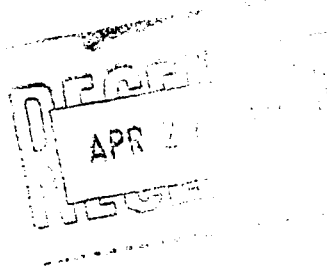
- A1 - Future Urban Development
- R1A - Residential (Semi-Detached Dwelling)
- C2 - Commercial (Regional & District Shopping Centre)
- P1 - Parks & Recreational

MAP No. 13 / 2001
BYLAW No. 3156 / S - 2001

AL-TERRA Engineering Ltd.**Consulting Engineers****Edmonton • Red Deer**20TH ANNIVERSARY
1976 - 1996

April 27, 2001

220-7-16

Peter RobinsonParkland Community Planning Services
#500, 4808 Ross Street
Red Deer, Alta
T4N 1X9

Attention: Mr. Tony Lindhout, A.C.P., M.C.I.P.

Dear Mr. Sir

Re: Aspen Ridge Phase 7
Tentative Plan

We are forwarding herewith, for your review, a drawing showing the proposed land use reclassification for a portion of Aspen Ridge Phase 7. In particular, the drawing shows an area where 0.016 Ha of previously designated M.R. are to be disposed (to be reclassified as roadway), and 0.016 Ha of previously dedicated roadway are to be cancelled (to be reclassified as M.R.). The reason for this change is that the south entrance from Averill Street has been relocated. We are also forwarding a revised version of the tentative plan, where we show the south cul-de-sac as public roadway.

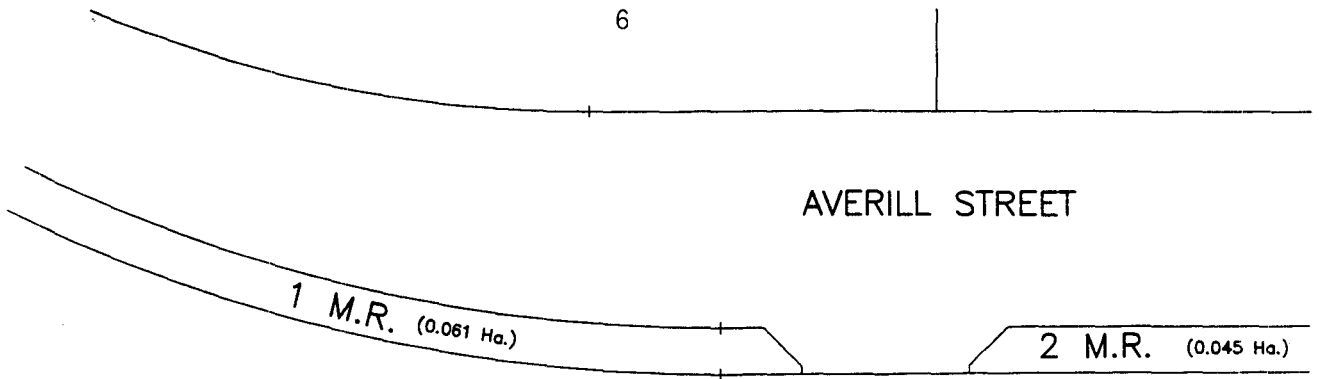
Please call at your convenience if additional information is required.

Yours truly

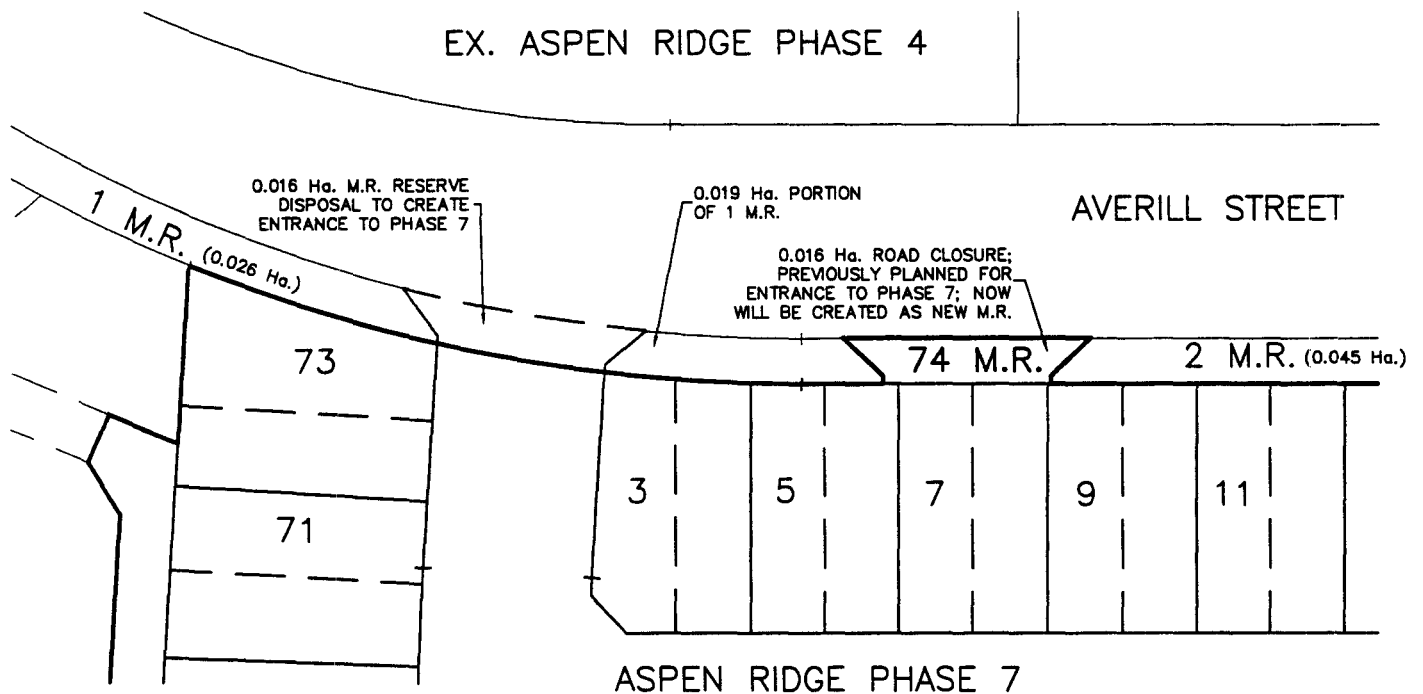
Jason Corrigan, P. Eng.

JC/jc





PREVIOUS ALLOCATION OF M.R.



PRESENT ALLOCATION OF M.R.

ASPEN RIDGE PHASE 7 DISPOSAL OF RESERVES AND CLOSURE OF ROAD

SCALE: 1:1000

REVISED: MAY 1/01
PREPARED: APR 27/01

AL-TERRA

ENGINEERING LTD.

EDMONTON

RED DEER



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

Office of the City Clerk

June 5, 2001

FILE

Al-Terra Engineering
202, 4708 Gaetz Avenue
Red Deer, AB T4N 4A1

Fax No. 340-3038

Dear Sir:

Re: Aspen Ridge – Phase 7/Plan 002 4107:
(a) **Road Closure Bylaw 3283/2001**
(b) **Disposal of Municipal Reserve**

At the City of Red Deer's Council Meeting held Monday, June 4, 2001, a Public Hearing was held with respect to the noted Road Closure and Disposal of Municipal Reserve. Following the Public Hearing, the noted resolution was passed:

"Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated May 2, 2001, re: Aspen Ridge – Phase 7, Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002 4107, hereby agrees to the disposal of municipal reserve lands described as:

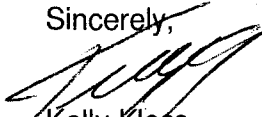
'All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

Attached is a certified copy of Road Closure Bylaw 3283/2001.

The Disposal of Municipal Reserve will facilitate the relocation of the street entrance in Phase 7 of Aspen Ridge. I have attached a copy of the legal affidavit outlining the Disposal of Municipal Reserve for your information and records.

Please do not hesitate to contact me should you have any questions or require further clarification regarding Council's decision. Mr. Howard Thompson, Land & Economic Development Manager, can be contacted at 342-8106 regarding the sale of the property.

Sincerely,


Kelly Kloss
City Clerk

/chk
attach.

c Land & Economic Development Manager
City Planning Manager

BYLAW NO. 3283/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of roadway in the City of Red Deer is hereby closed:


"All that portion of Averill Street, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

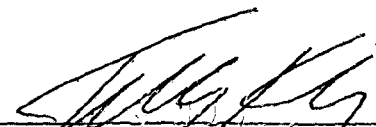
READ A FIRST TIME IN OPEN COUNCIL this 7 day of May 2001.

READ A SECOND TIME IN OPEN COUNCIL this 4 day of June 2001.

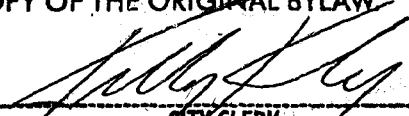
READ A THIRD TIME IN OPEN COUNCIL this 4 day of June 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 4 day of June 2001.


MAYOR


CITY CLERK

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL BYLAW


CITY CLERK

CANADA)	
)	IN THE MATTER OF SECTION 674
PROVINCE OF ALBERTA)	
)	OF THE MUNICIPAL GOVERNMENT
TO WIT:)	
)	ACT, 1994, CHAPTER M-26.1

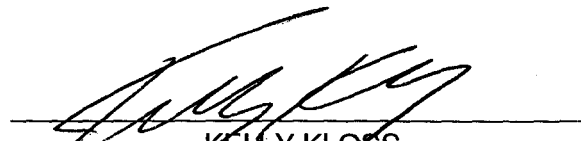
I, Kelly Kloss, of the City of Red Deer, in the Province of Alberta, DO SOLEMNLY DECLARE:

1. THAT I am the duly appointed City Clerk of The City of Red Deer and its proper designated officer in this behalf.
2. THAT the Council of The City of Red Deer wishes to dispose of a municipal reserve.
3. THAT The City of Red Deer has complied with the provisions of Section 674 of the Municipal Government Act, 1994, Chapter M-26.1.
4. THAT The City of Red Deer, in accordance with Section 675(1) of the Municipal Government Act, requests the removal of the designation of municipal reserve from the lands described as follows:

"All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

DECLARED before me at the City of
Red Deer, in the Province of Alberta,
this 5th day of June, 2001.



KELLY KLOSS,
CITY CLERK



A COMMISSIONER FOR OATHS IN AND
FOR THE PROVINCE OF ALBERTA

J. GRAVES
Commissioner for Oaths in
and for the Province of Alberta.
My Appointment Expires
August 13, 2001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1844
CONNECTION TEL 3403038
SUB-ADDRESS
CONNECTION ID
ST. TIME 06/05 14:52
USAGE T 00'57
PGS. 3
RESULT OK



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

Office of the City Clerk

June 5, 2001

Al-Terra Engineering
202, 4708 Gaetz Avenue
Red Deer, AB T4N 4A1

Fax No. 340-3038

Dear Sir:

Re: Aspen Ridge – Phase 7/Plan 002 4107:
(a) Road Closure Bylaw 3283/2001
(b) Disposal of Municipal Reserve

At the City of Red Deer's Council Meeting held Monday, June 4, 2001, a Public Hearing was held with respect to the noted Road Closure and Disposal of Municipal Reserve. Following the Public Hearing, the noted resolution was passed:

"Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated May 2, 2001, re: Aspen Ridge – Phase 7, Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002 4107, hereby agrees to the disposal of municipal reserve lands described as:

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Attached is a certified copy of Road Closure Bylaw 3283/2001.

The Disposal of Municipal Reserve will facilitate the relocation of the street entrance in Phase 7 of Aspen Ridge. I have attached a copy of the legal affidavit outlining the Disposal of Municipal Reserve for your information and records.

Please do not hesitate to contact me should you have any questions or require further clarification regarding Council's decision. Mr. Howard Thompson, Land & Economic Development Manager, can be contacted at 342-8106 regarding the sale of the property.

**ASPEN RIDGE PHASE 7
Road Closure Bylaw 3283/2001 &
Disposal of Municipal Reserve**

DESCRIPTION: Disposal of MR & Road Closure to accommodate a district commercial shopping centre

FIRST READING: May 7, 2001
FIRST PUBLICATION: May 18, 2001
SECOND PUBLICATION: May 25, 2001
PUBLI HEARING & SECOND READING: June 4, 2001
THIRD READING: JUNE 4, 2001

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☒ NO ☐

DEPOSIT? YES ☒ \$ _____ NO ☐ BY: AL-TERRA ENGINEERING

ACUTAL COST OF ADVERTISING:

1ST \$ 231.24 & 2ND \$ 231.24 TOTAL: \$ 462.58

MAP PREPARATION: \$ 34.30

TOTAL COST: \$ 496.88

LESS DEPOSIT RECEIVED: \$ —

AMOUNT OWING/ (REFUND): \$ 496.88

INVOICE NO.: 151-126525



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

Office of the City Clerk

May 15, 2001

«OwnerName»
«OwnerAdd1»
«OwnerAdd2»
«OwnerAdd3»
«OwnerAdd4»

Dear Sir/Madam:

**Re: Road Closure Bylaw 3283/2001 (Portion of Averill Street, Plan 002 4107)
Disposal of Municipal Reserve
Aspen Ridge – Phase 7
Portion of Lot 1 MR, Block 5, Plan 002 4107**

As a property owner adjacent to the above land, this letter is to inform you that Council of the City of Red Deer has passed a resolution agreeing to advertise and consider the proposed Road Closure and Disposal of Municipal Reserve as outlined on the attached map.

The noted Disposal of Municipal Reserve and Road Closure Bylaw 3283/2001 are related to the redesign of Aspen Ridge to accommodate a district commercial shopping centre. They are being initiated to accommodate the disposal of 0.016 Ha of previously designated Municipal Reserve that is to be reclassified as roadway and 0.016 Ha of previously dedicated roadway that will be reclassified as Municipal Reserve. The reason for this change is that the south entrance to Aspen Ridge - Phase 7, from Averill Street, will be relocated.

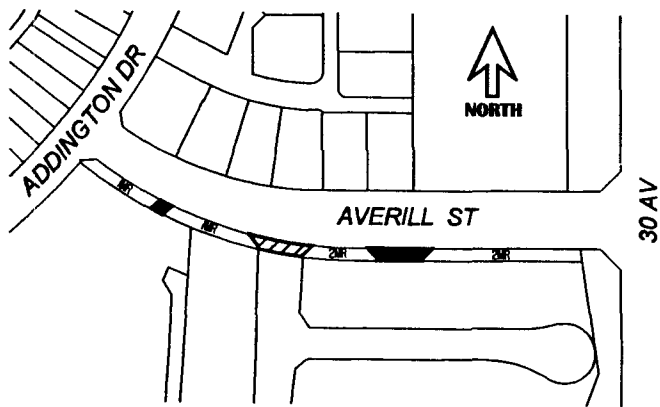
Prior to considering this bylaw, City Council will hold a Public Hearing, in the Council Chambers, 2nd Floor of City Hall on **Monday, June 4, 2001, at 7:00 p.m.**, for the purpose of hearing any person claiming to be affected. Letters or petitions may be submitted to the City Clerk at the Public Hearing, or to the Office of the City Clerk, City Hall, prior to the Public Hearing. Persons wishing to have their letters or petitions included on the Council agenda must submit them by 4:30 p.m. on **Monday, May 28, 2001.**

If you have any questions regarding the use of your letters or petitions for this Disposal of Municipal Reserve or Road Closure Bylaw, please contact me at (403) 342-8132.

Yours truly,

Jeff Graves
Deputy City Clerk

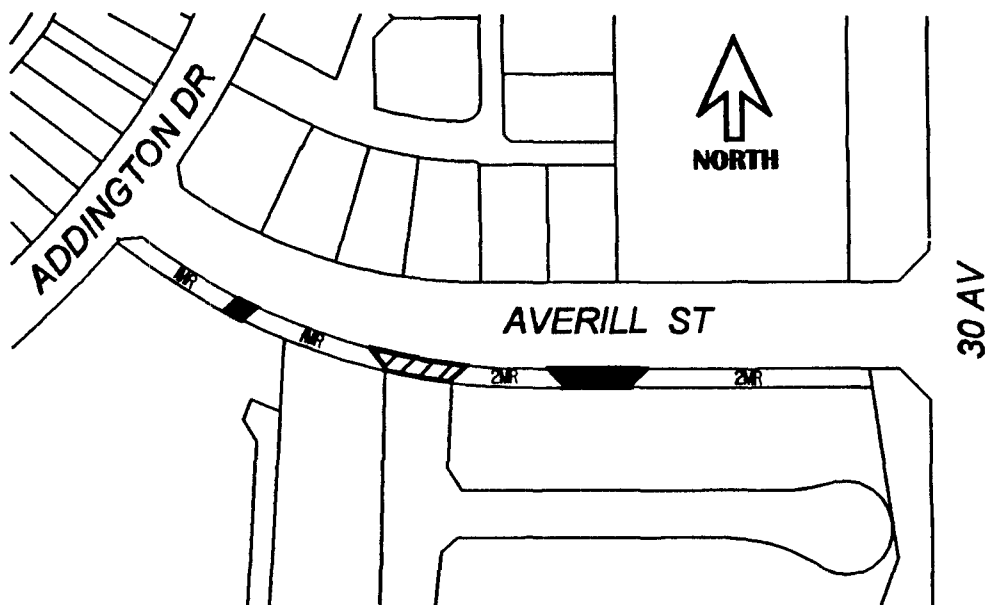
/chk
/attach.



PARTIAL DISPOSAL OF
MUNICIPAL RESERVE
PARTIAL ROAD CLOSURE



**THE CITY OF RED DEER
(BOX 5008) 4914 - 48 AVENUE
RED DEER, AB T4N 3T4**



*PARTIAL DISPOSAL OF
MUNICIPAL RESERVE*



PARTIAL ROAD CLOSURE



**DISPOSAL OF MUNICIPAL RESERVE
ASPEN RIDGE – PHASE 7 – AVERILL STREET
PORTION OF LOT 1 MR, BLOCK 5, PLAN 002 4107**

Council of the City of Red Deer, at its meeting of May 7, 2001, passed a resolution indicating its intention to dispose of the Municipal Reserve lands as outlined on the above map.

The proposed Disposal of Municipal Reserve will accommodate the disposal of 0.016 ha to be reclassified as roadway and 0.016 ha of previously dedicated roadway to be reclassified as Municipal Reserve. The reason for this change is that the south entrance to Aspen Ridge – Phase 7, from Averill Street, will be relocated.

Prior to considering the proposed Disposal of Municipal Reserve, City Council will hold a Public Hearing in Council Chambers, 2nd Floor of City Hall on MONDAY, JUNE 4, 2001 at 7:00 p.m., for the purpose of hearing any person claiming to be affected. Letters or petitions may be submitted to the City Clerk at the Public Hearing, or to the Office of the City Clerk, City Hall, prior to the Public Hearing. Persons wishing to have their letters or petitions included on the Council agenda must submit them to the City Clerk by 4:30 p.m. on MONDAY, May 28, 2001.

Kelly Kloss
City Clerk

DATE: May 8, 2001

TO: Norma Lovell, Assessment
Tony Woods, Graphics Administrator

FROM: Christine Kenzie,
City Clerk's Office

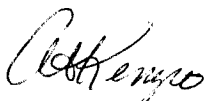
RE: Road Closure Bylaw 3283/2001
Disposal of Municipal Reserve
Aspen Ridge – Phase 7

Norma, please provide me with the names and addresses of the subject property owners and all contiguous/adjacent property owners as outlined on the attached map. Please forward the lists directly to me. Cheryl is on holidays this week.

Tony, could you please provide me with a map appropriate for advertising based on the attached information.

It would be helpful if I could receive the above at your earliest convenience in order to process the letters within the required time period. I have attached the maps that appeared on the Council agenda, for your reference.

Thanks Norma & Tony.

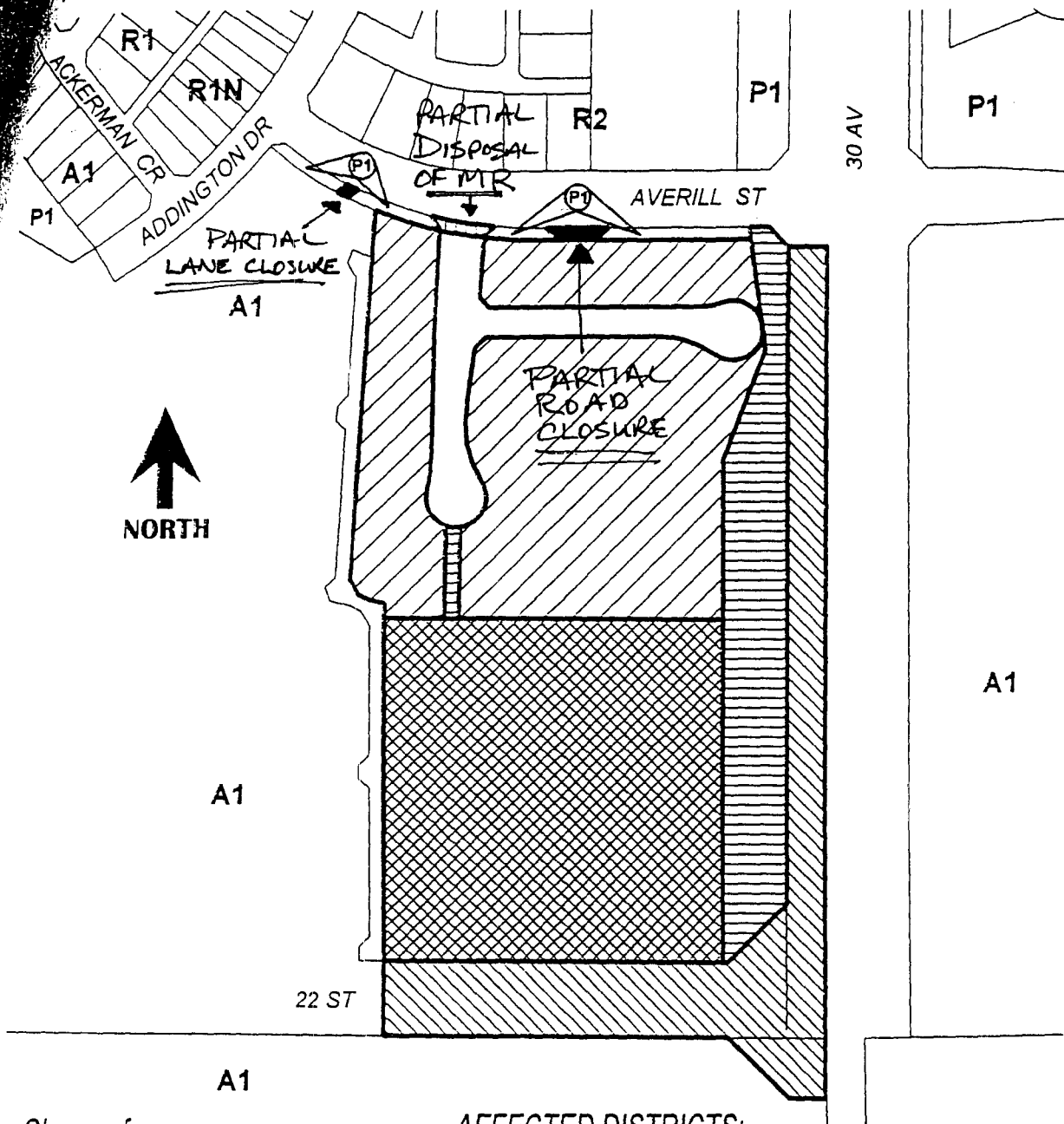


Christine Kenzie
City Clerks' Office

Attch.

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



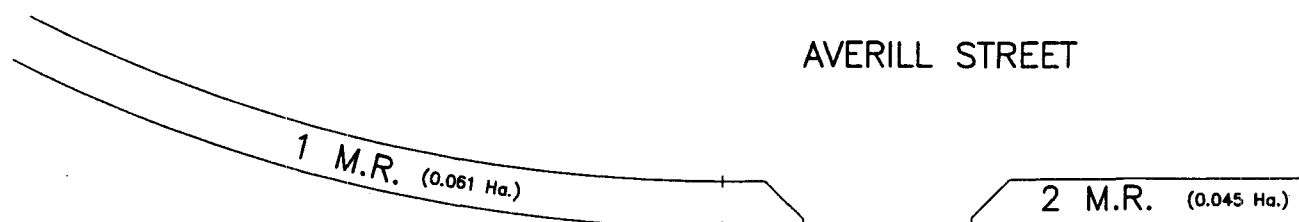
Change from:

A1 to R1A	
A1 to P1	
A1 to C2	
A1 to Road	
P1 to Road	
Road to P1	

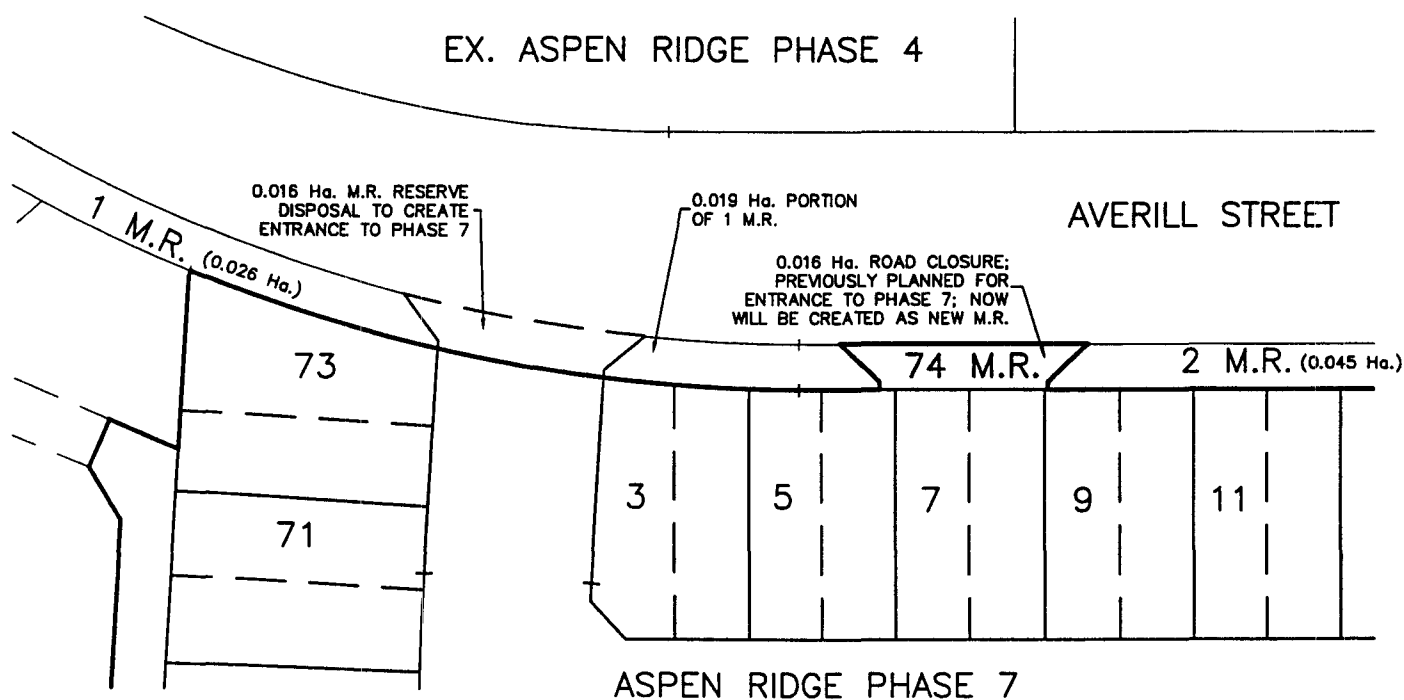
AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1A - Residential (Semi-Detached Dwelling)
- C2 - Commercial (Regional & District Shopping Centre)
- P1 - Parks & Recreational

MAP No. 13 / 2001
BYLAW No. 3156 / S - 2001



PREVIOUS ALLOCATION OF M.R.



PRESENT ALLOCATION OF M.R.

ASPEN RIDGE PHASE 7 DISPOSAL OF RESERVES AND CLOSURE OF ROAD

SCALE: 1:1000

REVISED: MAY 1/01
PREPARED: APR 27/01

AL-TERRA

ENGINEERING LTD.

EDMONTON

RED DEER



Office of the City Clerk

May 8, 2001

Box 5008
Red Deer, Alberta
T4N 3T4

Fax No. 340-3038

Al-Terra Engineering
202, 4708 Gaetz Avenue
Red Deer, AB T4N 4A1

Dear Sir:

Re: Aspen Ridge – Phase 7/Plan 002 4107:
(a) Road Closure Bylaw 3283/2001
(b) Disposal of Municipal Reserve

At the City of Red Deer's Council meeting held Monday, May 7, 2001, first reading was given to Road Closure Bylaw 3283/2001 and the following resolution was passed:

Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated May 2, 2001, re: Aspen Ridge – Phase 7, Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002 4107, hereby agrees that the following resolution be considered at the Council meeting of Monday, June 4, 2001 and to allow for the advertising of a Public Hearing to be held on Monday, June 4, 2001:

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'All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

The noted Disposal of Municipal Reserve and Road Closure Bylaw are related to the redesign of Aspen Ridge to accommodate a district commercial shopping centre. First reading was given to the East Hill Major Area Structure Plan Bylaw Amendment 3207/A-2001; the Aspen Ridge Neighborhood Area Structure Plan Bylaw Amendment 3217/B-2001, and Land Use Bylaw Amendment 3156/S-2001 on April 23rd. The Road Closure Bylaw and Disposal of Municipal Reserve will facilitate the relocation of the street entrance in Phase 7.

This office will now proceed with advertising for Public Hearings to be held on Monday, June 4, 2001 at 7:00 p.m., during Council's regular meeting, in the Council Chambers.

Al I-Terra Engineering
Page 2
May 8, 2001

You are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400. We require this deposit by no later than 10:00 a.m., Wednesday, May 16, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,



Kelly Kloss
City Clerk

/clr
attchs.

- c Land & Economic Development Manager
Parkland Community Planning Services
C. Adams, Administrative Assistant
~~C. Kenzie~~, Clerk Steno, City Clerk's Office

BYLAW NO. 3283/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of roadway in the City of Red Deer is hereby closed:

"All that portion of Averill Street, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

READ A FIRST TIME IN OPEN COUNCIL this 7 day of May 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

MAYOR

CITY CLERK



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

Office of the City Clerk

May 8, 2001

Fax No. 340-3038

Al-Terra Engineering
202, 4708 Gaetz Avenue
Red Deer, AB T4N 4A1

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"Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated May 2, 2001, re: Aspen Ridge – Phase 7, Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002 4107, hereby agrees to the disposal of municipal reserve lands described as:

'All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

The noted Disposal of Municipal Reserve and Road Closure Bylaw are related to the redesign of Aspen Ridge to accommodate a district commercial shopping centre. First reading was given to the East Hill Major Area Structure Plan Bylaw Amendment 3207/A-2001; the Aspen Ridge Neighborhood Area Structure Plan Bylaw Amendment 3217/B-2001, and Land Use Bylaw Amendment 3156/S-2001 on April 23rd. The Road Closure Bylaw and Disposal of Municipal Reserve will facilitate the relocation of the street entrance in Phase 7.

This office will now proceed with advertising for Public Hearings to be held on Monday, June 4, 2001 at 7:00 p.m., during Council's regular meeting, in the Council Chambers.

Al I-Terra Engineering
Page 2
May 8, 2001

You are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400. We require this deposit by no later than 10:00 a.m., Wednesday, May 16, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,



Kelly Kloss
City Clerk

/clr
attchs.

- c Land & Economic Development Manager
Parkland Community Planning Services
- C. Adams, Administrative Assistant
- C. Kenzie, Clerk Steno, City Clerk's Office

BYLAW NO. 3283/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of roadway in the City of Red Deer is hereby closed:

"All that portion of Averill Street, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

READ A FIRST TIME IN OPEN COUNCIL this	7	day of	May	2001.
READ A SECOND TIME IN OPEN COUNCIL this		day of		2001.
READ A THIRD TIME IN OPEN COUNCIL this		day of		2001.
AND SIGNED BY THE MAYOR AND CITY CLERK this		day of		2001.

MAYOR

CITY CLERK

MEMO

Item No. 2

DATE: May 2, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land and Economic Development Manager

RE: **Aspen Ridge- Phase 7 - Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002-4107**
Road closure Bylaw 3283/2001

At the April 23, 2001 meeting of City Council, Parkland Community Planning Services presented three reports related to the redesign of Aspen Ridge to accommodate a district commercial shopping centre. First reading was given to the East Hill Major Area Structure Plan Bylaw Amendment 3207/A-2001; the Aspen Ridge Neighborhood Area Structure Plan Bylaw Amendment 3217/B-2001; and Land Use Bylaw Amendment 3156/2-2001.

We have now received the attached request from Al-Terra Engineering, on behalf of their client, to proceed with the corresponding road closures and disposal of Municipal Reserve in Plan 002-4107, as designated in Land Use Bylaw Amendment 3156/2-2001, to relocate the street entrance in Phase 7.

Recommendation

The Land and Economic Development Department recommends City Council proceed with first reading for the following:

Partial Road Closures:

"All that portion of Averill Street, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge Phase 7). Excepting thereout all mines and minerals." and

Partial Disposal of Municipal Reserve:

"All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge Phase 7). Excepting thereout all mines and minerals."

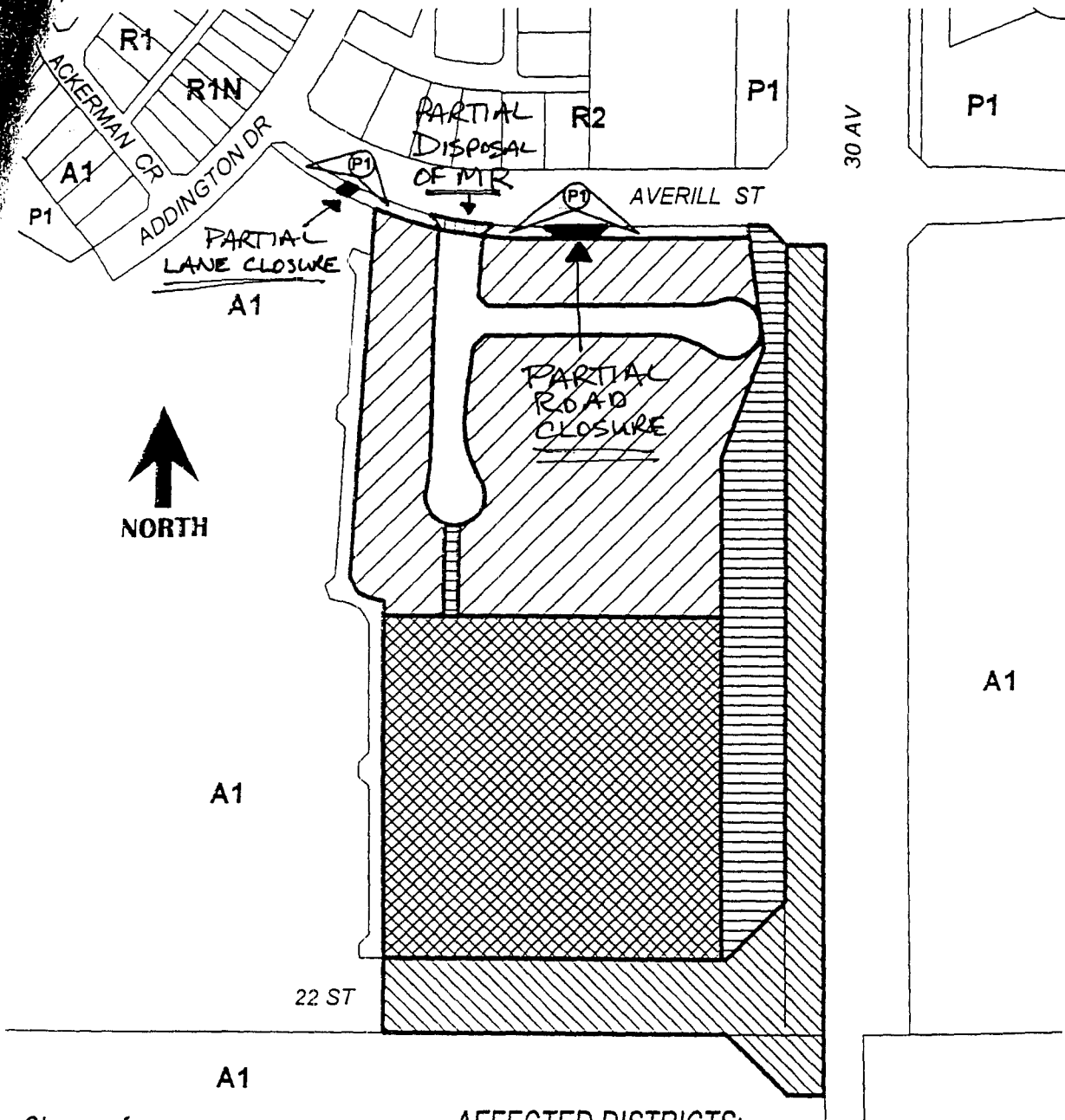
Respectfully submitted,


Howard Thompson, Ec.D.

c. Parkland Community Planning Services

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from:

A1 to R1A	
A1 to P1	
A1 to C2	
A1 to Road	
P1 to Road	
Road to P1	

AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1A - Residential (Semi-Detached Dwelling)
- C2 - Commercial (Regional & District Shopping Centre)
- P1 - Parks & Recreational

MAP No. 13 / 2001
BYLAW No. 3156 / S - 2001



Engineering Ltd.

Consulting Engineers

Edmonton • Red Deer

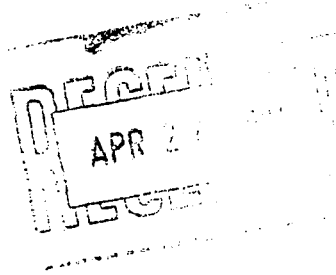
20TH ANNIVERSARY
1976 - 1996

April 27, 2001

220-7-16

Peter Robinson

Parkland Community Planning Services
#500, 4808 Ross Street
Red Deer, Alta
T4N 1X9



Attention: Mr. Tony Lindhout, A.C.P., M.C.I.P.

Dear Mr. Sir

Re: Aspen Ridge Phase 7
Tentative Plan

We are forwarding herewith, for your review, a drawing showing the proposed land use reclassification for a portion of Aspen Ridge Phase 7. In particular, the drawing shows an area where 0.016 Ha of previously designated M.R. are to be disposed (to be reclassified as roadway), and 0.016 Ha of previously dedicated roadway are to be cancelled (to be reclassified as M.R.). The reason for this change is that the south entrance from Averill Street has been relocated. We are also forwarding a revised version of the tentative plan, where we show the south cul-de-sac as public roadway.

Please call at your convenience if additional information is required.

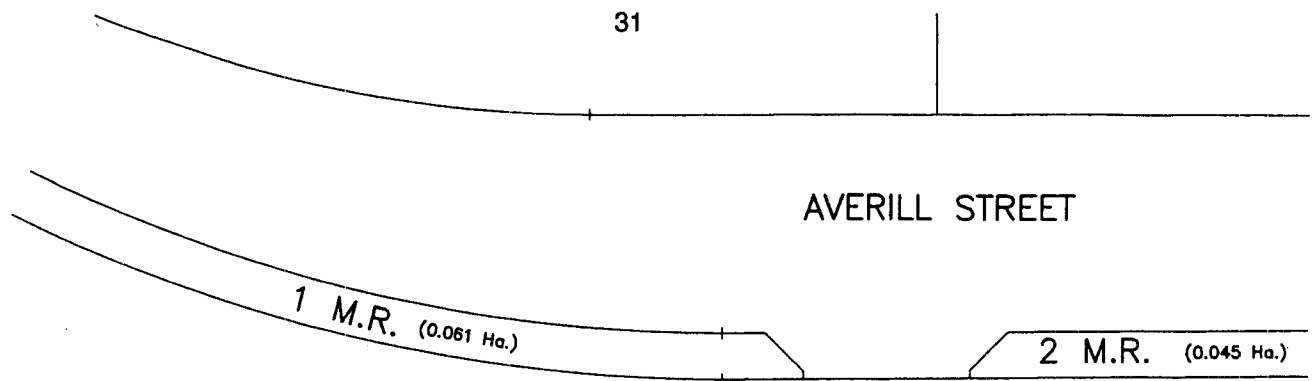
Yours truly

Jason Corrigan

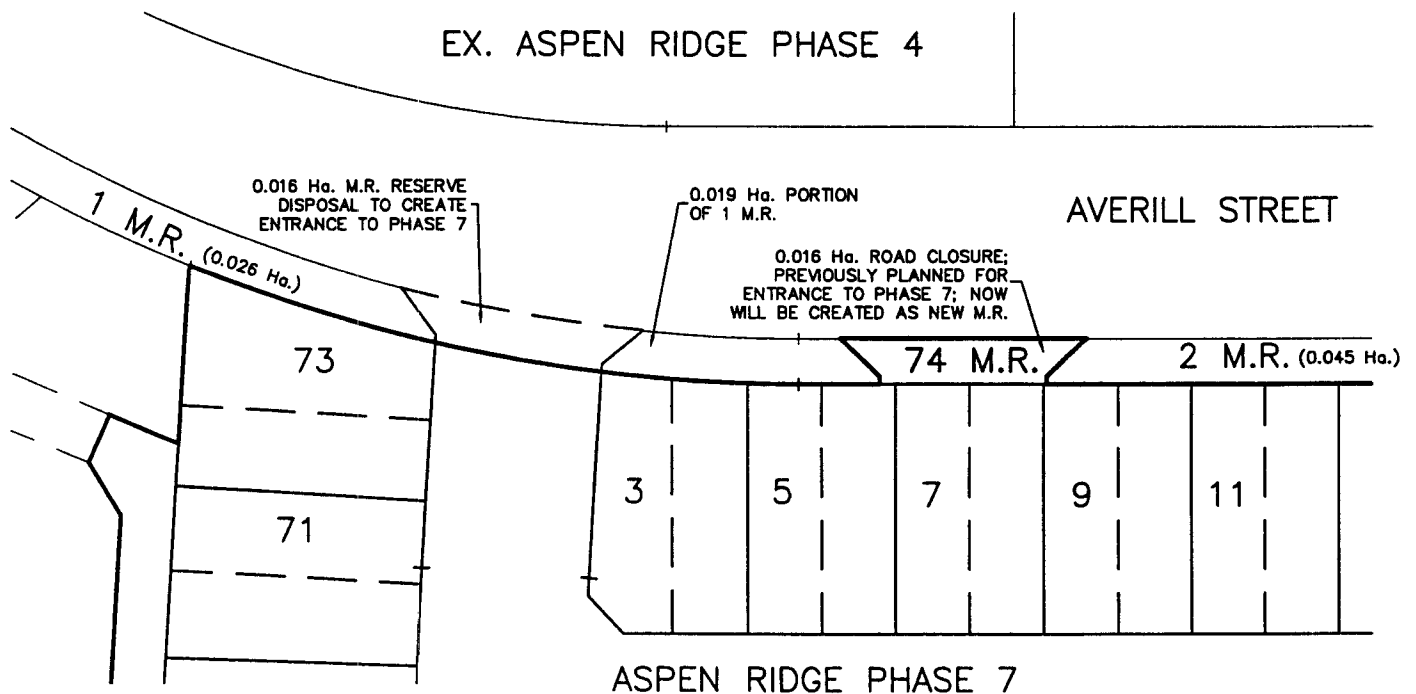
Jason Corrigan, P. Eng.

JC/jc





PREVIOUS ALLOCATION OF M.R.



PRESENT ALLOCATION OF M.R.

ASPEN RIDGE PHASE 7 DISPOSAL OF RESERVES AND CLOSURE OF ROAD

SCALE: 1:1000

REVISED: MAY 1/01
PREPARED: APR 27/01

AL-TERRA

ENGINEERING LTD.

EDMONTON

RED DEER

Comments:

We agree with the recommendations of the Land & Economic Development Manager. Public Hearings could then be held on Monday, June 4, 2001 at 7:00 p.m. in the Council Chambers, during Council's regular meeting.

"G. D. Surkan"
Mayor

"B. Jeffers"
Acting City Manager

BYLAW NO. 3283/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

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READ A FIRST TIME IN OPEN COUNCIL this day of 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

MAYOR

CITY CLERK

DATE: May 8, 2001

TO: Norma Lovell, Assessment
Tony Woods, Graphics Administrator

FROM: Christine Kenzie,
City Clerk's Office

RE: Road Closure Bylaw 3283/2001
Disposal of Municipal Reserve
Aspen Ridge – Phase 7

Norma, please provide me with the names and addresses of the subject property owners and all contiguous/adjacent property owners as outlined on the attached map. Please forward the lists directly to me. Cheryl is on holidays this week.

Tony, could you please provide me with a map appropriate for advertising based on the attached information.

It would be helpful if I could receive the above at your earliest convenience in order to process the letters within the required time period. I have attached the maps that appeared on the Council agenda, for your reference.

Thanks Norma & Tony.

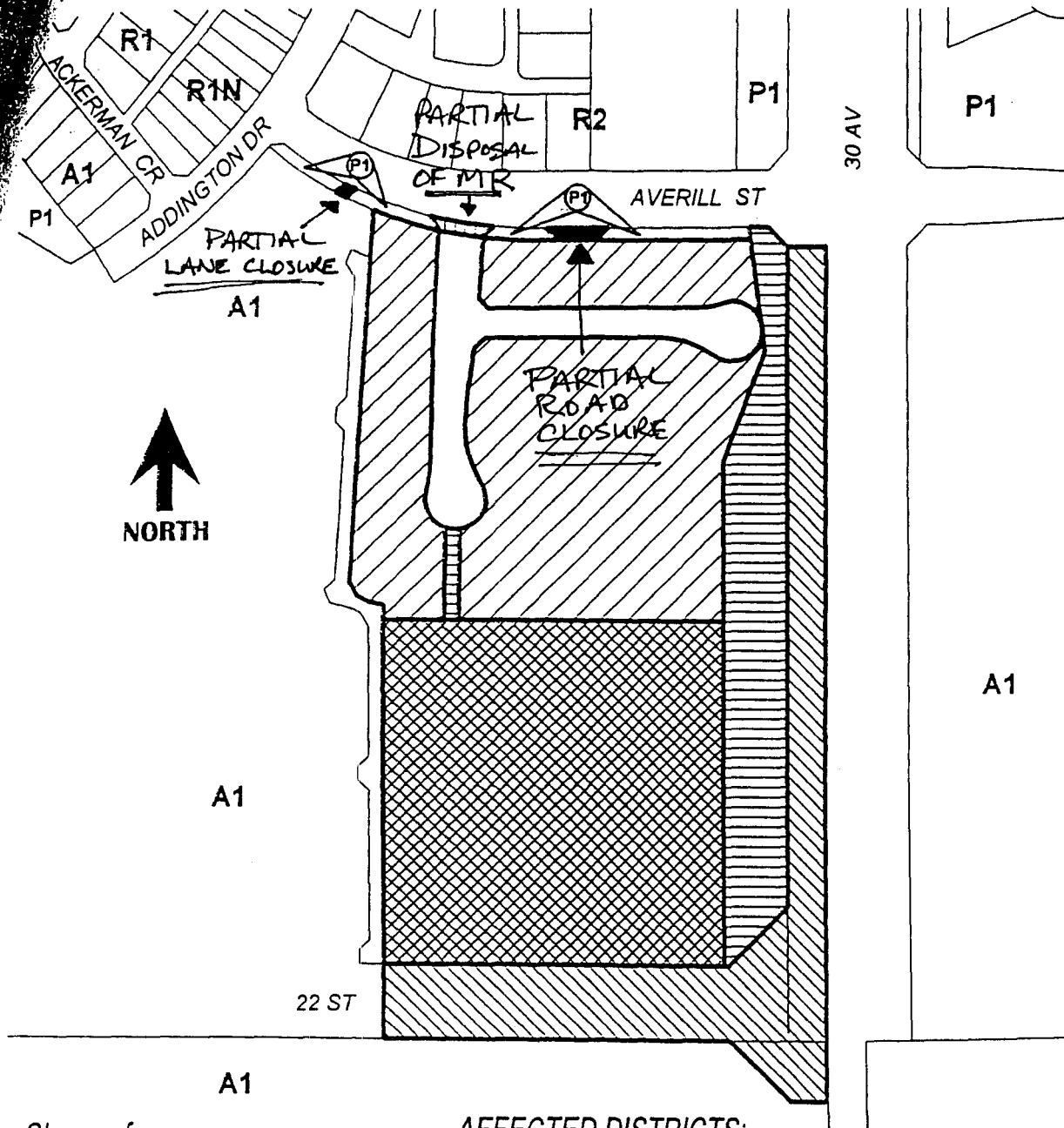


Christine Kenzie
City Clerks' Office

Attch.

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from:

A1 to R1A	
A1 to P1	
A1 to C2	
A1 to Road	
P1 to Road	
Road to P1	

AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1A - Residential (Semi-Detached Dwelling)
- C2 - Commercial (Regional & District Shopping Centre)
- P1 - Parks & Recreational

MAP No. 13 / 2001
BYLAW No. 3156 / S - 2001

AVERILL STREET

1 M.R. (0.061 Ha.)

2 M.R. (0.045 Ha.)

PREVIOUS ALLOCATION OF M.R.

EX. ASPEN RIDGE PHASE 4

AVERILL STREET

1 M.R. (0.026 Ha.)

0.016 Ha. M.R. RESERVE
DISPOSAL TO CREATE
ENTRANCE TO PHASE 70.019 Ha. PORTION
OF 1 M.R.0.016 Ha. ROAD CLOSURE;
PREVIOUSLY PLANNED FOR
ENTRANCE TO PHASE 7; NOW
WILL BE CREATED AS NEW M.R.

73

71

74 M.R.

2 M.R. (0.045 Ha.)

ASPEN RIDGE PHASE 7

PRESENT ALLOCATION OF M.R.

ASPEN RIDGE PHASE 7
DISPOSAL OF RESERVES AND
CLOSURE OF ROAD

SCALE: 1:1000

REVISED: MAY 1/01
PREPARED: APR 27/01

AL-TERRA
ENGINEERING LTD.

EDMONTON

RED DEER

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001

TO: Land & Economic Development Manager

FROM: City Clerk

RE: Aspen Ridge – Phase 7
Request for Partial Road Closures and Partial Disposal of Municipal Reserve
In Plan 002-4107 / Road Closure Bylaw 3283/2001

Reference Report:

City Clerk dated May 30, 2001 and Land & Economic Development Manager dated May 2, 2001

Bylaw Readings:

Road Closure Bylaw 3283/2001 was given second and third readings. Copies of the bylaw are attached.

Resolution:

“Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager dated May 2, 2001, re: Aspen Ridge – Phase 7, Request for Partial Road Closures and Partial Disposal of Municipal Reserve in Plan 002 4107, hereby agrees to the disposal of municipal reserve lands described as:

‘All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals.”

Report Back to Council: No

Comments/Further Action:

The Disposal of Municipal Reserve and Road Closure Bylaw are related to the redesign of Aspen Ridge to accommodate a district commercial shopping centre and will facilitate the relocation of the street entrance in Phase 7.

Please find attached for your information and use a certified copy of the Road Closure Bylaw and an Affidavit concerning the Disposal of Municipal Reserve.


Kelly Kloss
City Clerk

/chk
attchs.

- c Director of Community Services
- Director of Corporate Services
- Director of Development Services
- City Planning Manager
- C. Adams, Administrative Assistant
- C. Kenzie, Clerk Steno
- D. Kutinsky, Engineering Services

BYLAW NO. 3283/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of roadway in the City of Red Deer is hereby closed:

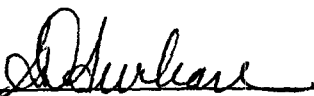
"All that portion of Averill Street, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

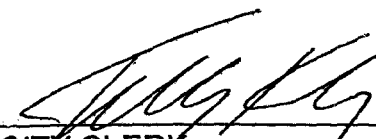
READ A FIRST TIME IN OPEN COUNCIL this 7 day of May 2001.

READ A SECOND TIME IN OPEN COUNCIL this 4 day of June 2001.

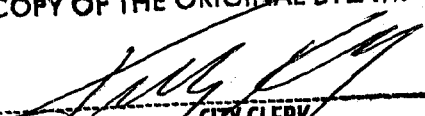
READ A THIRD TIME IN OPEN COUNCIL this 4 day of June 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 4 day of June 2001.


MAYOR


CITY CLERK

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL BYLAW.


CITY CLERK

C A N A D A)	
)	IN THE MATTER OF SECTION 674
PROVINCE OF ALBERTA)	
)	OF THE MUNICIPAL GOVERNMENT
TO WIT:)	
)	ACT, 1994, CHAPTER M-26.1


I, Kelly Kloss, of the City of Red Deer, in the Province of Alberta, DO SOLEMNLY DECLARE:

1. THAT I am the duly appointed City Clerk of The City of Red Deer and its proper designated officer in this behalf.
2. THAT the Council of The City of Red Deer wishes to dispose of a municipal reserve.
3. THAT The City of Red Deer has complied with the provisions of Section 674 of the Municipal Government Act, 1994, Chapter M-26.1.
4. THAT The City of Red Deer, in accordance with Section 675(1) of the Municipal Government Act, requests the removal of the designation of municipal reserve from the lands described as follows:

"All that portion of Lot 1 MR, Block 5, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."


AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

DECLARED before me at the City of)
 Red Deer, in the Province of Alberta,)
 this 5th day of June, 2001.)
)
)
)



 KELLY KLOSS,
 CITY CLERK

 A COMMISSIONER FOR OATHS IN AND
 FOR THE PROVINCE OF ALBERTA


J. GRAVES
 Commissioner for Oaths in
 and for the Province of Alberta.
 My Appointment Expires
 August 13, 2001

DATE: May 29, 2001

TO: City Clerk

FROM: Emergency Services

RE: Ambulance Service Delivery: Discussion Paper

The Province of Alberta has undertaken another study of ambulance. Two MLA's have been tasked with the responsibility of obtaining input. One of the MLA's is Luke Ouelette, MLA for Innisfail-Sylvan Lake.

Attached is a proposed response on behalf of The City of Red Deer to this discussion paper.

Recommendation:

It is respectfully recommended that Council forward the attached response to the Province in response to the discussion paper on Ambulance Service Delivery.

Respectfully Submitted,

Gordon Stewart, P. Eng.
Fire Chief/Manager

Att.

Introduction

The City of Red Deer is very pleased to have the opportunity to provide input for the *Ambulance Service Delivery: Discussion Paper*. The discussion document makes reference to the evolution of the ambulance industry in Alberta. It points out that the industry is “meeting changing needs and expectations of Albertans”, as well as addressing the requirements for “technological advances and enhanced training of ambulance attendants”.

The municipalities, ambulance operators, medical directors and ambulance personnel have led the evolution of the ambulance industry in Alberta. This evolution has assisted in establishing standards of care for Albertan’s and improving the level of service and quality of care provided to their clients. The vast majority of Alberta’s population is served by ambulance services providing Advanced Life Support (ALS).

It has taken continuing efforts and many years of educating and lobbying to have Alberta Health and the public, recognize the ambulance industry as more than a mode of transportation. We believe it is now recognized as providing high quality, valuable pre-hospital care.

Many studies of ambulance services have been conducted. These include:

1. 1991 - 1992: Alberta Health formed the Ambulance Rates Working Committee. Membership included representation from AAOA, AUMA, RIDAA, AAMD&C, and Alberta Health
2. 1993-1994: Council of Chairs Ambulance Task Force Committee.
3. 1995-1996: Alberta Health Committee on Ambulance Services (Judy Gordon Report)
4. 1997 Ambulance Rates Position Paper, a brief for the Minister of Health—prepared and supported by 50 municipalities.
5. 1998–1999 AUMA – Ground Ambulance Base funding position paper.

These reports provided to the Province have recommended increased funding of ambulance services. The Province has not responded to, or addressed the issue.

The Province pays no portion of the base funding of ground ambulance services. The Province does pay a portion of the cost of ambulance service incurred by Albertan’s under Provincial Social Programs. This is a fee for service arrangement and nothing more. In this case the fee does not cover the full cost of the service. The local municipality pays the remainder of the cost for emergency medical services delivered for the province.

DRAFT RESPONSE TO AMBULANCE SERVICE DELIVERY DISCUSSION PAPER

The following are in response to the Questions Summary.

1. *What is the best governance model for ensuring delivery of effective ground ambulance services?*

- *Should municipalities continue to be responsible for the delivery of Emergency Medical Services?*
- *If not, who should be responsible for delivering ambulance services?*

Historically municipalities have shouldered the responsibility and costs of providing ambulance service to the people in and traveling through their jurisdictions. The issues involved in emergency health services are not new to municipal funders of ground ambulance services. Municipalities in general have proven capable of delivering service. The discussion paper indicates that municipal government has responded appropriately by using varying service delivery models to best suit the needs of their clients.

The concern consistently expressed by municipalities is not how the delivery of the service is done, but the lack of provincial responsibility in ensuring that the funds paid by the Province are adequate compensation. The other concern is the lack of a fair and equitable rates adjustment process for the provision of ambulance service.

Should Regional Health Authorities (RHA) be seen as the best alternative? Regional Health Authorities are still relatively new, and have much to do to meet the many mandates they currently have. It is difficult to project the impact of elected/appointed boards that will first occur in 2001. We believe that municipal governance will provide a better and more cost effective system as opposed to turning these responsibilities over to the Regional Health Authorities.

RHA's currently receive provincial funding to provide ambulance service to the patients that require a higher or different level of care than they can provide. In the vast majority of cases they utilize that funding to contract the ambulance service provided by the municipality to provide service to their patients as needed.

Based on these observations we suggest the following:

1. The decision on whether to offer ambulance services or not remains a municipal decision. If a municipality does decide to offer ambulance service it must be to the Basic Life Support(BLS) level.
2. The Provincial Government make a firm commitment to providing base funding to municipalities for the provision of a **minimum** level of BLS. If unwilling to provide base funding, the Province must make a

DRAFT RESPONSE TO AMBULANCE SERVICE DELIVERY DISCUSSION PAPER

firm commitment to providing adequate payment for Provincial Social Program clients.

3. The Provincial Government, along with other stakeholders, establishes a rate for ambulance service based on costs to provide service. There must be a method devised to annually adjust the rates to reflect the changing actual costs.
4. The Provincial Government continue to fund RHA's to enable them to transport and care for patients that require a higher or different level of care.
5. The municipalities be allowed to determine the most efficient, cost effective method of delivering ambulance services within their jurisdictions. This will permit issues such as geographical differences and demographics of each area to be addressed effectively.
6. Legislation be introduced which will prevent insurance providers from using their agent status for Provincial Social Program clients as an unfair advantage with business practice, rate or relationships.

2. *What ideas do you have to address issues relating to:*

- *levels of service;*
- *patient access;*
- *medical direction;*
- *communication systems and dispatching?*

Levels of Service:

Most ambulance services throughout the province provide an ALS level of service the majority of time. There are few, if any, ambulance services that still maintain an Emergency Medical Responder (EMR) level of service as their standard of care delivery. It is time to:

1. remove the EMR service level designation,
2. establish BLS as the minimum standard,
3. provide base funding to the BLS level for municipalities, or provide adequate funding for Provincial Social Program clients.

By properly addressing the adequate funding system, municipalities will move towards no longer being expected to subsidize the rates paid by all insurance firms and that no insurance firm shall use its position as administrator of ambulance coverage for provincially supported clients to dictate or influence ambulance rates.

DRAFT RESPONSE TO AMBULANCE SERVICE DELIVERY DISCUSSION PAPER

If the Province provided base funding to the BLS level, then municipalities could then take responsibility for providing additional funding to provide an ALS level of service to their area.

Patient Access:

There does not appear to be a global answer to ensuring equal ambulance service in all instances to all Albertans regardless of location. Municipalities are best informed about the demographics and geography specific to them and to the accepted community standards for emergency health services. Municipalities have demonstrated that they are able to respond to the emergency health services needs identified and make the necessary changes to their services in a timely manner.

Meaningful benchmarking with data being compiled from across the province by Emergency Health may allow the establishment of global guidelines being suggested by the province. Given these factors, it is logical to allow the municipalities to deal with their specific circumstances in the most effective, efficient manner.

Medical Direction:

Medical Direction and the role of the medical director needs to evolve in a more informed universal approach. The most recent work on this issue is contained in the Millennium Project sponsored by Alberta Health Emergency Services. This project is nearing completion.

Overall, a medical guideline for use by medical directors would be of value. A Provincial medical director would not be effective. Generally, medical directors for ambulance services are best informed about the client demographics and geographic specific issues related to the service delivery. They are also informed as to the accepted community standards for emergency health services. Local medical directors have demonstrated that they are able to respond to the emergency health services needs identified and make the necessary changes to their services in a timely manner.

Communication Systems and Dispatching:

A greater leadership role in funding and partnership development needs to be taken by the Province. Specifically, there is a need to allow responders from different municipalities to communicate with one another during major incidents and disasters. The Pine Lake tornado illustrates this.

It is suggested that the Province take the following steps to assist in the communication system:

DRAFT RESPONSE TO AMBULANCE SERVICE DELIVERY DISCUSSION PAPER

- A greater Provincial participation in cost sharing infrastructure for regionalization of communications systems.
 - A greater Provincial participation in cost sharing operational costs for regionalized communications systems.
 - Greater involvement in ensuring communications systems are in place in case of a disaster.
 - Greater emphasis on standardization and maintenance of communications systems.
 - Greater emphasis on a common communications language use.
3. *What improvements can be made to existing Emergency Medical Service (EMS) systems to ensure the skills and expertise offered by ambulance attendants as well as other resources are used most effectively?*
- Effective utilization is determined by benchmarking/standards for care provided and municipal determination of expenditure for level of service provided.
 - Provincial control is not needed. The present state of emergency medical services in Alberta is viewed nationally and internationally as very effective. This standard has been reached without the province having to become directly involved.
4. *In the future, how should ambulance services be funded?*

The Provincial government needs to:

- increase the emergency ground ambulance rates for ambulance clients who are the responsibility of the Province of Alberta to reflect the true cost of providing the service.
- change the method by which the Province establishes these rates. A process of consultation and dialogue with those stakeholders impacted upon by a decision of rates must be pursued. This is to replace the present system of the Province unilaterally setting rates.

Should there be a standard user fee for ground ambulance services for all Albertans?

If a standard fee arrangement can be agreed upon and negotiated (not imposed), there is some merit in a standard fee. With different local conditions this would be very difficult to arrive at.

If the provincial rate does not cover the operators' costs, then additional billing should be permitted with no penalty from Alberta Blue Cross.

5. *What approach should be adopted to ensure that EMS disputes are resolved without workplace disruptions?*

DRAFT RESPONSE TO AMBULANCE SERVICE DELIVERY DISCUSSION PAPER

There is no doubt in our mind or, in our opinion, the minds of average Albertans, that Emergency Medical Services is a life and death matter and that labour disputes should be concluded through the use of negotiation. Failing that, a solution should be arbitrated rather than settled through strike and lock-out.

We appreciate the opportunity to provide input for this discussion paper. It is our hope that the Province will take some action based on the input received from the stakeholders for this discussion paper.



Ambulance

Service

Delivery:

DISCUSSION PAPER

MLA REVIEW
MAY 2001



LEGISLATIVE ASSEMBLY
ALBERTA

HARVEY CENAIKO, M.L.A.
CALGARY BUFFALO
CHAIR, AMBULANCE ADVISORY AND APPEAL BOARD

May 10, 2001

Dear Stakeholder:

Enclosed is a discussion paper on Ambulance Service Delivery in Alberta. I invite you to provide me with your comments regarding the questions in the paper.

On May 2nd, it was announced that Luke Ouellette, MLA Innisfail-Sylvan Lake, and I have been asked to review ground ambulance services and provide recommendations regarding future governance and delivery of emergency medical services.

We recognize that significant improvements have occurred with Alberta's ground ambulance services following previous reviews. We intend to build on the successes of these reviews. However, while Albertans receive excellent care from ground ambulance services, the system faces challenges in meeting the demands of a growing, aging and increasingly urban population. These challenges place considerable pressure on municipalities, ambulance operators, regional health authorities, attendants and the province to provide Albertans with access to well-coordinated and responsive emergency medical services when they need them.

If you wish to participate in this review of ground ambulance services, please provide written comments regarding the issues and questions in this paper. After the written submissions are compiled, we will create opportunities to discuss particular issues with stakeholder representatives prior to development of recommendations. Recommendations regarding the future governance and delivery of emergency medical services will be provided to the Ministers of Health and Wellness, Human Resources and Employment and Municipal Affairs.

Mr. Ouellette and I look forward to hearing from you. If you have any questions about this paper or the process, please call (780) 422-9654; toll free 310-0000, then (780) 422-9654.

Sincerely,

Harvey Cenaiko
MLA Calgary Buffalo

Introduction

The delivery of Alberta's ground ambulance services has undergone significant changes over the years. In part, these changes have occurred naturally as the industry evolved to meet the changing needs and expectations of Albertans. Technological advances and enhanced training of ambulance attendants have also increased the level of care provided by ground ambulance operators in the province. Other changes to the system have occurred as a result of implementation of recommendations from several provincial committees that have reviewed the delivery of ground ambulance services.

While Albertans currently receive excellent care from ground ambulance operators, the system continues to face challenges. In order to address these challenges, various stakeholders such as municipalities, regional health authorities (RHAs) and private operators have asked government to review the current issues to ensure our ground ambulance services can meet the future needs of Albertans.

A new MLA Review Team comprised of Calgary Buffalo MLA, Harvey Cenaiko, and Innisfail-Sylvan Lake MLA, Luke Ouellette, will study these issues and make recommendations regarding future governance and delivery of emergency medical services.

Reporting to the Ministers of Health and Wellness, Human Resources and Employment, and Municipal Affairs, the MLA Review Team is seeking the input of Albertans on a number of outstanding issues, including:

- *delivery of ground ambulance services;*
- *assessment of existing standards for Emergency Medical Services;*
- *effective use of Emergency Medical Service resources;*
- *funding of ground ambulance services; and*
- *designation of Emergency Medical Services as an essential service.*

In order to complete the review of ground ambulance services, Albertans are invited to review this discussion paper and provide written submissions to the MLA Review Team for consideration.

The Issues

Delivery of Ground Ambulance Services

There are 125 licensed ground ambulance operators who have over 400 ambulances located throughout the province. Ambulance operators provide 200,000 ground ambulance trips each year – taking patients from home or an accident scene to hospital, or transferring patients from one care facility to another.

Under the *Municipal Government Act*, municipalities have the authority to establish ambulance services and determine the level of service they provide. To deliver these services, municipalities may establish a municipal ambulance operation, either separately or combined with their fire department, or they may contract with an RHA or a private company to provide ambulance services.

Several innovative governance models for the delivery of ambulance services have been created in the province. For example, a rural and an adjoining urban municipality have formed an ambulance board. A group of municipalities has also formed a municipal commission to guide ground ambulance services within that area. Other municipalities have combined emergency services such as fire, police and ambulance in one facility.

Increasingly, ground ambulance services are seen as an integral component of a comprehensive health system. No longer viewed as transportation to or between health care facilities, ground ambulance services and ambulance attendants serve as the front-line of our health care system and play an important role in the treatment of a patient's medical condition or traumatic injury. The delivery of ground ambulance services also is affected by a number of changes in our population that is growing, ageing and becoming increasingly urban.

As a result, there is considerable pressure on municipalities, RHAs, ambulance operators, attendants and the Province to provide Albertans with access to well-coordinated and responsive ground ambulance services when they need them.

Question:

What is the best governance model for ensuring delivery of effective ground ambulance services?

- ***Should municipalities continue to be responsible for the delivery of Emergency Medical Services?***
- ***If not, who should be responsible for delivering ambulance services?***

Assessment of Existing Standards for Emergency Medical Services

Levels of service

To ensure Albertans have access to effective ground ambulance services the Province implemented the ***Ambulance Services Act*** in March 1994. Under this legislation, the Province establishes certain standards for ambulance operators, ambulance attendants, and equipment used in ambulances. There are three levels of service recognized in the ***Ambulance Services Act***:

- *Emergency Medical Responder (EMR)*
- *Basic Life Support (BLS)*
- *Advanced Life Support (ALS)*

While the Province requires that the minimum level of ambulance service is that of Emergency Medical Responder (EMR), it is the responsibility of the local municipality to determine if the level of service in their jurisdiction exceeds that level. An increasing percentage of ambulance operators are licensed at either the BLS or ALS level. However, a significant number of the operators licensed at ALS level are located in the larger urban centers and in some rural areas.

Patient access

There are different approaches to the delivery of ground ambulance services across the province. Factors including geography, sparse population, legislation, different governance models, and availability of trained staff present significant challenges in providing an effective and appropriate level of service to Albertans.

Medical direction

Current legislation requires that ambulance attendants work under medical direction; therefore, each ground ambulance operator in the province has a medical director who provides direction regarding the care provided by staff. Medical protocol guidelines for ambulance attendants, developed at a provincial level, are offered as a resource to medical directors. These protocols are not a legislated standard and medical directors adapt the guidelines to local needs. As a result, differences in medical protocols for ambulance attendants exist between jurisdictions.

Communication systems and dispatching

The importance of communications and dispatch systems in ground ambulance services has increased significantly in recent years. For example, the ability to provide on-line medical control and pre-arrival instructions to family members assists in providing appropriate care to patients. Across the province there are different systems currently in use and ground ambulance operators may experience difficulty in coordination across jurisdictions. Communications and dispatch systems can affect the ability of ambulance operators to deliver pre-hospital or inter-facility care.

Question:

What ideas do you have to address issues relating to:

- **levels of service;**
- **patient access;**
- **medical direction;**
- **communication systems and dispatching?**

Effective Use of Emergency Medical Service Resources

Due to the wide variety of governance models for ground ambulance services, a number of different models are used to maximize the skills and expertise offered by ambulance attendants. For example, in some RHAs ambulance attendants assist hospital staff by treating patients in the emergency room. In other jurisdictions, ambulance attendants are involved in public education initiatives about injury prevention. In those jurisdictions which combine fire and ambulance services, ambulance attendants are actively involved in fire prevention and inspection activities.

Our health system has also evolved and there is more emphasis on community-based, rather than institutional, care. Services such as home care, personal and technical supports, community rehabilitation, assisted living, day programs and respite care are available to a much greater extent than ever before. The changing roles of health-care facilities and an increasing number of requests for inter-facility transfers place additional strain on ambulance operators and staff. Issues also arise related to payment for ambulance services when used in conjunction with these newer approaches to care.

Patients do not always need to be transported using ambulances. In many cases, it is neither practical nor cost-effective to move inter-facility patients by ambulance. Alternative transport mechanisms may be a more appropriate method for transfers. Subject to medical control and direction, some patients could be transported by specialty transport vehicles or other means. This would ensure that ambulance resources remain available for more pressing pre-hospital or inter-facility needs.

Question:

What improvements can be made to existing Emergency Medical Service (EMS) systems to ensure the skills and expertise offered by ambulance attendants as well as other resources are used most effectively?

Funding of Ambulance Services

Municipalities have the authority to establish and determine the level of ambulance services within their jurisdiction. Most municipalities pay a grant to the ambulance operator in their area. Usually, the grant is determined through a per capita levy for every municipal resident that is raised through municipal taxes.

The Province pays for in-patient and emergency out-patient transfers (provided through RHAs), as well as other government assistance programs, such as programs for seniors, widows and low-income Albertans (administered by Alberta Blue Cross). The federal government is responsible for the medical transportation of First Nations persons. Other services are paid through user fees, the majority of which are paid by third party insurance firms.

The cost of one ambulance trip varies depending on the level of service provided, the type of equipment and supplies used, and the distance travelled. The charge to the patient varies considerably across the province depending on the cost of the service, the amount of the municipal grant, and whether or not the patient is insured.

There is no one funding source for ambulance services; the current funding of ambulance services does create issues. For example, some ambulance operators depend heavily on fees for inter-facility transfers to maintain economic viability. Other issues include the ability of ambulance operators to collect unpaid bills from individual users for ambulance services. These funding issues may serve as an obstacle in the delivery of future ambulance services.

Questions:

In future, how should ambulance services be funded?

What criteria should be used to establish the Minister's rate for ground ambulance services? Should ambulance operators be allowed to charge additional fees to clients of government-sponsored programs, e.g., seniors?

Should there be a standard user fee for ground ambulance services for all Albertans?

Designation of Emergency Medical Services as an Essential Service

Maintaining uninterrupted ground ambulance service is vital to the safety and well being of all Albertans. The MLA Review Team will explore options to ensure that workplace disruptions do not jeopardize public safety.

Currently, the *Alberta Labour Relations Code* has special provisions to ensure that disputes in certain essential service areas are resolved without strike or lockout. These provisions apply to:

- *firefighters and their employers; and*
- *employers and employees of approved hospitals (as defined by the **Hospitals Act**).*

At present, only EMS services operated out of an approved hospital or integrated with fire services are subject to these provisions.

There are a number of options available to the government to make sure workplace disputes do not compromise public health or safety. Some options include:

- *Amend the **Alberta Labour Relations Code** to include EMS employers and their employees to the list of those who are subject to arbitration as a dispute resolution process, rather than strike or lockout.*
- *Create new, specialized legislation applying only to EMS employers and their employees. (Similar to the **Police Officers' Collective Bargaining Act**, the legislation would contain specific provisions for the resolution of disputes without strike or lockout.)*

Question:

What approach should be adopted to ensure that EMS disputes are resolved without workplace disruptions?

Consultation Process

The MLA Review Team invites stakeholders to provide written submissions in response to the questions posed in this discussion paper. The deadline for written submissions is June 15, 2001. After the written submissions are compiled, the Review Team will create opportunities to discuss particular issues with stakeholder representatives prior to development of recommendations.

When the consultation process is complete, the MLA Review Team will provide recommendations regarding the future governance and delivery of emergency medical services to the Ministers of Health and Wellness, Human Resources and Employment, and Municipal Affairs.

Please send your written submission by June 15, 2001 to:

*MLA Review of Ambulance Service Delivery
c/o Alberta Health and Wellness
Emergency Health Services
11 floor, 10025 Jasper Avenue
P. O. Box 1360 STN Main
Edmonton, Alberta
T5J 2N3*

Questions Summary

1.) What is the best governance model for ensuring delivery of effective ground ambulance services?

- Should municipalities continue to be responsible for the delivery of Emergency Medical Services?
- If not, who should be responsible for delivering ambulance services?

2.) What ideas do you have to address issues relating to:

- levels of service;
- patient access;
- medical direction;
- communication systems and dispatching?

3.) What improvements can be made to existing Emergency Medical Service (EMS) systems to ensure the skills and expertise offered by ambulance attendants as well as other resources are used most effectively?

4.) In the future, how should ambulance services be funded?

What criteria should be used to establish the Minister's rate for ground ambulance services? Should ambulance operators be allowed to charge additional fees to clients of government-sponsored programs, e.g., seniors?

Should there be a standard user fee for ground ambulance services for all Albertans?

5.) What approach should be adopted to ensure that EMS disputes are resolved without workplace disruptions?

For more information please contact:

Alberta Health and Wellness
Emergency Health Services
Phone: (780) 422-9654 in Edmonton
Toll-Free in Alberta: 310-0000
Fax: (780) 422-0134
Web site: www.health.gov.ab.ca

Alberta Municipal Affairs
Public Safety
Phone: (780) 415-5837 in Edmonton
Toll-Free in Alberta: 310-0000
Fax: (780) 427-2538
Web site: www.gov.ab.ca/ma

Alberta Human Resources and Employment
Workplace Relations and Facilitation
Phone: (780) 427-3041 in Edmonton
Toll-Free in Alberta: 310-0000
Fax: (780) 422-0014
Web site: www.gov.ab.ca/hre/

Comments:

I recommend that Council endorse the response of the Emergency Services Manager and that the response be forwarded to the Province.

"N. Van Wyk"
City Manager



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

FILE

Office of the City Clerk

June 7, 2001

MLA Review of Ambulance Service Delivery
C/o Alberta Health and Wellness
Emergency Health Services
11th Floor, 10025 Jasper Avenue
P.O. Box 1360 STN Main
Edmonton, AB T5J 2N3

Dear Sir/Madam:

RE: AMBULANCE SERVICE/DELIVERY DISCUSSION PAPER

Thank you for the opportunity to comment on the May 2001 Ambulance Service Delivery Discussion Paper.

On behalf of Council of the City of Red Deer, I have enclosed their response to this Discussion Paper.

Council looks forward to receiving a copy of the MLA Review Team recommendations once they are completed.

Sincerely,

Kelly Kloss
City Clerk

KK/chk
/attach.

c Emergency Services Manager

**CITY OF RED DEER'S RESPONSE TO THE
AMBULANCE SERVICE DELIVERY DISCUSSION PAPER MAY 2001**

Introduction

The City of Red Deer is very pleased to have the opportunity to provide input for the *Ambulance Service Delivery: Discussion Paper*. The discussion document makes reference to the evolution of the ambulance industry in Alberta. It points out that the industry is "meeting changing needs and expectations of Albertans", as well as addressing the requirements for "technological advances and enhanced training of ambulance attendants".

The municipalities, ambulance operators, medical directors and ambulance personnel have led the evolution of the ambulance industry in Alberta. This evolution has assisted in establishing standards of care for Albertans and improving the level of service and quality of care provided to their clients. The vast majority of Alberta's population is served by ambulance services providing Advanced Life Support (ALS).

It has taken continuing efforts and many years of educating and lobbying to have Alberta Health and the public, recognize the ambulance industry as more than a mode of transportation. We believe it is now recognized as providing high quality, valuable pre-hospital care.

Many studies of ambulance services have been conducted. These include:

1. 1991 - 1992: Alberta Health formed the Ambulance Rates Working Committee. Membership included representation from AAOA, AUMA, RIDAA, AAMD&C, and Alberta Health
2. 1993-1994: Council of Chairs Ambulance Task Force Committee.
3. 1995-1996: Alberta Health Committee on Ambulance Services (Judy Gordon Report)
4. 1997 Ambulance Rates Position Paper, a brief for the Minister of Health-prepared and supported by 50 municipalities.
5. 1998-1999 AUMA - Ground Ambulance Base funding position paper.

These reports provided to the Province have recommended increased funding of ambulance services. The Province has not responded to, or addressed the issue.

The Province pays no portion of the base funding of ground ambulance services. The Province does pay a portion of the cost of ambulance service incurred by Albertans under Provincial Social Programs. This is a fee for service arrangement and nothing more. In this case the fee does not cover the full cost of the service. The local municipality pays the remainder of the cost for emergency medical services delivered for the province.

***CITY OF RED DEER'S RESPONSE TO THE
AMBULANCE SERVICE DELIVERY DISCUSSION PAPER MAY 2001***

City Council wishes to emphasize that the following steps in Ambulance Service Delivery should be taken:

- The Provincial minimum standard for ambulance service should be Basic Life Support (BLS).
- The Province should provide funding to make BLS affordable to all communities.
- Municipalities should retain the responsibility for providing ambulance service.
- When ambulance service is delivered to Provincial clients the municipality should be paid the full cost of providing that service.
- The Province should set guidelines for the transportation of individuals who could be transported to and from health care facilities in vehicles other than ambulances.

Following is the City of Red Deer's response to the Discussion Paper's questions.

Response to Questions

1. ***What is the best governance model for ensuring delivery of effective ground ambulance services?***
 - ***Should municipalities continue to be responsible for the delivery of Emergency Medical Services?***
 - ***If not, who should be responsible for delivering ambulance services?***

Historically municipalities have shouldered the responsibility and costs of providing ambulance service to the people in and traveling through their jurisdictions. The issues involved in emergency health services are not new to municipal funders of ground ambulance services. Municipalities in general have proven capable of delivering service. The discussion paper indicates that municipal government has responded appropriately by using varying service delivery models to best suit the needs of their clients.

The concern consistently expressed by municipalities is not how the delivery of the service is done, but the lack of provincial responsibility in ensuring that the funds paid by the Province are adequate compensation. The other concern is the lack of a fair and equitable rates adjustment process for the provision of ambulance service.

Should Regional Health Authorities (RHA) be seen as the best alternative? Regional Health Authorities are still relatively new, and have much to do

***CITY OF RED DEER'S RESPONSE TO THE
AMBULANCE SERVICE DELIVERY DISCUSSION PAPER MAY 2001***

to meet the many mandates they currently have. It is difficult to project the impact of elected/appointed boards that will first occur in 2001. We believe that municipal governance will provide a better and more cost effective system as opposed to turning these responsibilities over to the Regional Health Authorities.

RHA's currently receive provincial funding to provide ambulance service to the patients that require a higher or different level of care than they can provide. In the vast majority of cases they utilize that funding to contract the ambulance service provided by the municipality to provide service to their patients as needed.

Based on these observations we suggest the following:

1. The decision on whether to offer ambulance services or not remains a municipal decision. If a municipality does decide to offer ambulance service it must be to the Basic Life Support(BLS) level.
2. The Provincial Government make a firm commitment to providing base funding to municipalities for the provision of a **minimum** level of BLS. If unwilling to provide base funding, the Province must make a firm commitment to providing adequate payment for Provincial Social Program clients.
3. The Provincial Government, along with other stakeholders, establishes a rate for ambulance service based on costs to provide service. There must be a method devised to annually adjust the rates to reflect the changing actual costs.
4. The Provincial Government continue to fund RHA's to enable them to transport and care for patients that require a higher or different level of care.
5. The municipalities be allowed to determine the most efficient, cost effective method of delivering ambulance services within their jurisdictions. This will permit issues such as geographical differences and demographics of each area to be addressed effectively.
6. Legislation be introduced which will prevent insurance providers from using their agent status for Provincial Social Program clients as an unfair advantage with business practice, rate or relationships.

***CITY OF RED DEER'S RESPONSE TO THE
AMBULANCE SERVICE DELIVERY DISCUSSION PAPER MAY 2001***

2. *What ideas do you have to address issues relating to:*

- *levels of service;*
- *patient access;*
- *medical direction;*
- *communication systems and dispatching?*

Levels of Service:

Most ambulance services throughout the province provide an ALS level of service the majority of time. There are few, if any, ambulance services that still maintain an Emergency Medical Responder (EMR) level of service as their standard of care delivery. It is time to:

1. remove the EMR service level designation,
2. establish BLS as the minimum standard,
3. provide base funding to the BLS level for municipalities, or
provide adequate funding for Provincial Social Program clients.

By properly addressing the adequate funding system, municipalities will move towards no longer being expected to subsidize the rates paid by all insurance firms and that no insurance firm shall use its position as administrator of ambulance coverage for provincially supported clients to dictate or influence ambulance rates.

If the Province provided base funding to the BLS level, then municipalities could then take responsibility for providing additional funding to provide an ALS level of service to their area.

Patient Access:

There does not appear to be a global answer to ensuring equal ambulance service in all instances to all Albertans regardless of location.

Municipalities are best informed about the demographics and geography specific to them and to the accepted community standards for emergency health services. Municipalities have demonstrated that they are able to respond to the emergency health services needs identified and make the necessary changes to their services in a timely manner.

Meaningful benchmarking with data being compiled from across the province by Emergency Health may allow the establishment of global guidelines being suggested by the province. Given these factors, it is logical to allow the municipalities to deal with their specific circumstances in the most effective, efficient manner.

***CITY OF RED DEER'S RESPONSE TO THE
AMBULANCE SERVICE DELIVERY DISCUSSION PAPER MAY 2001***

Medical Direction:

Medical Direction and the role of the medical director needs to evolve in a more informed universal approach. The most recent work on this issue is contained in the Millennium Project sponsored by Alberta Health Emergency Services. This project is nearing completion.

Overall, a medical guideline for use by medical directors would be of value. A Provincial medical director would not be effective. Generally, medical directors for ambulance services are best informed about the client demographics and geographic specific issues related to the service delivery. They are also informed as to the accepted community standards for emergency health services. Local medical directors have demonstrated that they are able to respond to the emergency health services needs identified and make the necessary changes to their services in a timely manner.

Communication Systems and Dispatching:

A greater leadership role in funding and partnership development needs to be taken by the Province. Specifically, there is a need to allow responders from different municipalities to communicate with one another during major incidents and disasters. The Pine Lake tornado illustrates this.

It is suggested that the Province take the following steps to assist in the communication system:

- A greater Provincial participation in cost sharing infrastructure for regionalization of communications systems.
- A greater Provincial participation in cost sharing operational costs for regionalized communications systems.
- Greater involvement in ensuring communications systems are in place in case of a disaster.
- Greater emphasis on standardization and maintenance of communications systems.
- Greater emphasis on a common communications language use.

3. ***What improvements can be made to existing Emergency Medical Service (EMS) systems to ensure the skills and expertise offered by ambulance attendants as well as other resources are used most effectively?***

***CITY OF RED DEER'S RESPONSE TO THE
AMBULANCE SERVICE DELIVERY DISCUSSION PAPER MAY 2001***

- Effective utilization is determined by benchmarking/standards for care provided and municipal determination of expenditure for level of service provided.
- Provincial control is not needed. The present state of emergency medical services in Alberta is viewed nationally and internationally as very effective. This standard has been reached without the province having to become directly involved.

4. *In the future, how should ambulance services be funded?*

The Provincial government needs to:

- increase the emergency ground ambulance rates for ambulance clients who are the responsibility of the Province of Alberta to reflect the true cost of providing the service.
- change the method by which the Province establishes these rates. A process of consultation and dialogue with those stakeholders impacted upon by a decision of rates must be pursued. This is to replace the present system of the Province unilaterally setting rates.

Should there be a standard user fee for ground ambulance services for all Albertans?

If a standard fee arrangement can be agreed upon and negotiated (not imposed), there is some merit in a standard fee. With different local conditions this would be very difficult to arrive at.

If the provincial rate does not cover the operators' costs, then additional billing should be permitted with no penalty from Alberta Blue Cross.

5. *What approach should be adopted to ensure that EMS disputes are resolved without workplace disruptions?*

There is no doubt in our mind or, in our opinion, the minds of average Albertans, that Emergency Medical Services is a life and death matter and that labour disputes should be concluded through the use of negotiation. Failing that, a solution should be arbitrated rather than settled through strike and lock-out.

The City of Red Deer appreciates the opportunity to provide input for this discussion paper. It is our hope that the Province will take some action based on the input received from the stakeholders for this discussion paper.

MEMO

DATE: May 19, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land and Economic Development Manager

RE: **Sale of Part of Lot 7, Block 25, Plan 1772 NY
to Hafso Developments Ltd.**

Background:

Hafso Developments Ltd. wishes to build a multifamily building on Lot 8A, Block 25, Plan 1440 RS (6547 – 59th Ave). In January, 2001, Hafso made a request to the City to extend a lane across City property, Lot 7, Block 25, Plan 1772 NY, to access the rear of their property for parking. The Engineering Services Department was not in favour of extending the lane, but would consider recommending the sale of a portion of the City lands to Hafso to permit them to develop an access onto the lane. Hafso would be responsible for consolidating the City lands with his existing parcel.

As indicated in the attached map and letter to Hafso, the approximate area of Lot 7 that the City would consider selling is 2,980 sq. ft. and is covered by Utility Right of Way 3109 KS for a high-pressure ATCO gas line. Hafso has now obtained a preliminary response from ATCO Pipelines indicating that development of a gravel or possibly a paved parking lot over their pipeline should not be a problem subject to enter into an agreement with ATCO.

Land and Economic Development have reviewed the market value for land in this area and determined that \$2.00 per sq. ft. is a fair price due to the URW encumbering the land and the limited use for parking only. Based on the above, Hafso Development's has indicated they wish to proceed with the purchase. Land and Economic Development has circulated their request to all relevant departments and received no objections.

For Council's information, both Lot 7 and 8A are already zoned R2, however, the remainder of Lot 7 will remain as undeveloped City land due to a sanitary storm line running through the middle of the lot, encumbering the majority of the parcel.

.../2

MEMO

Kelly Kloss
Page 2

Recommendation

The Land and Economic Development Department recommends entering into an agreement to sell a portion of Lot 7, Block 25, Plan 1772 NY to Hafso Developments Ltd., subject to the following conditions:

1. The purchase price shall be \$2.00 per square foot, based on the area as determined by a plan of survey.
2. The Purchaser shall be responsible for all costs associated with survey and consolidation.
3. The Purchaser shall obtain the necessary agreements from ATCO Gas to develop parking over Utility Right of Way Plan 3109 KS.

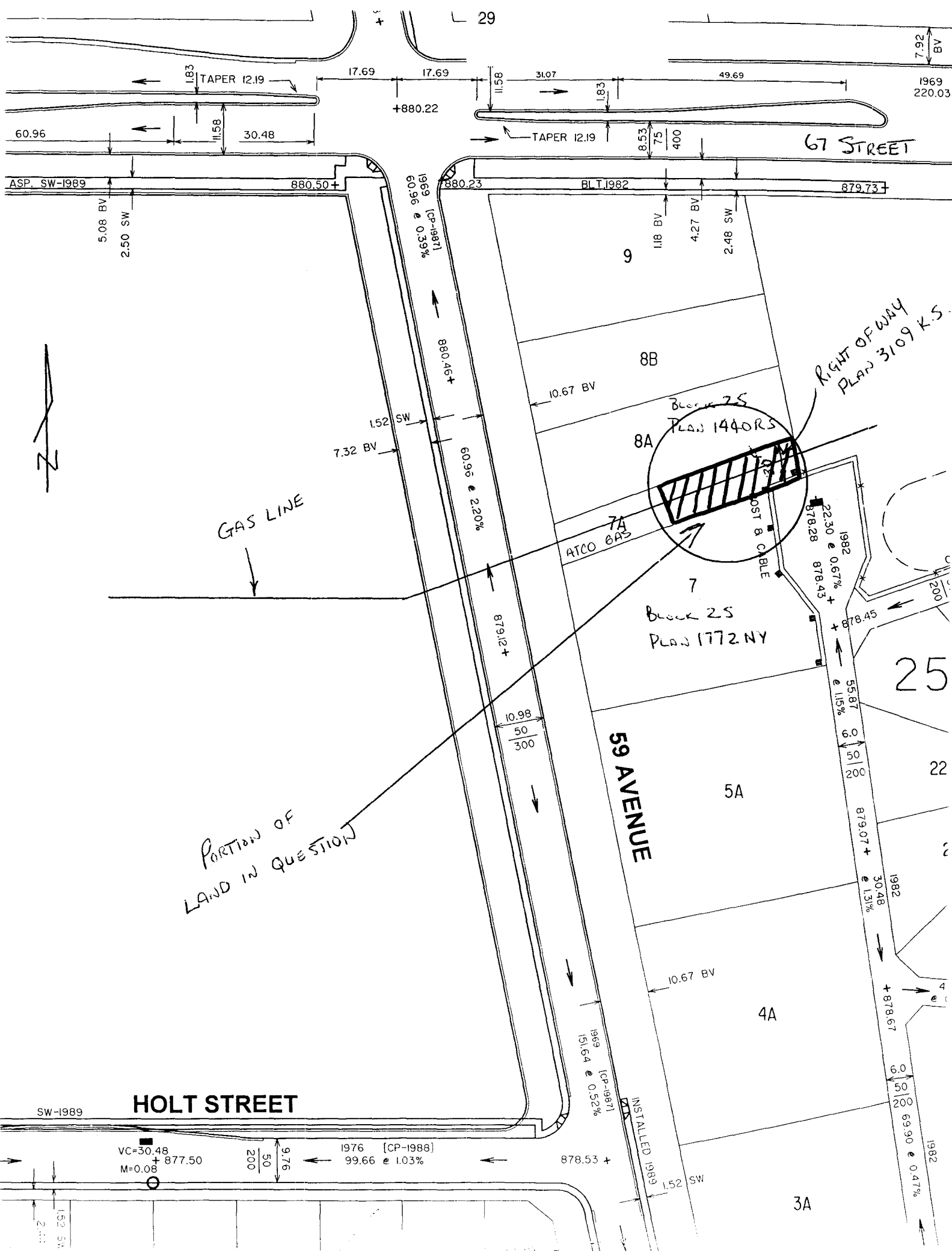
Respectfully submitted,



Howard Thompson

Attach.

- c. Bryon Jeffers, Director of Development Services



January 26, 2001

Ches Hafso
Hafso Developments Ltd.
#5, 7439 - 49 Avenue Crescent,
Red Deer, Alberta, T4P 1X6

Dear Mr. Hafso:

Re: Request for Lane Extension
To Lot 8A, Block 25, Plan 1440 RS
6547 - 59 Avenue

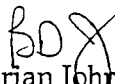
We have reviewed your request for a lane extension to Lot 8A. We are not in favor of this extension because of the large gas main in a utility right of way that is between the end of the lane and your property. The utility right of way is on a portion of City of Red Deer land known as Lot 7, Block 25, Plan 1772 NY.

Alternatively, we would be in favor of selling you the portion of City land that is covered by the utility right of way, and you could consolidate it with your existing parcel. Your lot would then have direct access to the City lane. The portion of land in question is part of Lot 7, Block 25, Plan 1772 NY and covered by Utility right of way 3109 KS. The approximate size of the land is 2,980 square feet.

Peter Robinson of our Land and Economic Development Department has informed me that we would sell the land to you at a cost of \$2 per square foot. All title change and survey costs would be at your expense. You would be responsible to contact Don Hawkes of ATCO Gas and determining what land use you can have over the gas line.

If this is satisfactory to you, please contact May Mitchell, City of Red Deer Land and Economic Development Department and she can help you with the land purchase.

Yours truly,


Brian Johnson, C.E.T.
Customer Service Administrator

BDJ/nrc

Att.

c. May Mitchell, Land and Economic Development
Joyce Boon, Inspections and Licensing

Comments:

I agree with the recommendations of the Land & Economic Development Manager.

“N. Van Wyk”
City Manager

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001
TO: Land & Economic Development Manager
FROM: City Clerk
RE: *Sale of Part of Lot 7, Block 25, Plan 1772 NY
To Hafso Developments Ltd.*

FILE

Reference Report:

Land & Economic Development Manager dated May 19, 2001

Resolution:

Resolved that Council of the City of Red Deer, having considered the report from the Land and Economic Development Manager dated May 19, 2001, re: Sale of Part of Lot 7, Block 25, Plan 1772 NY to Hafso Developments Ltd., hereby agrees that The City enter into an agreement to sell a portion of Lot 7, Block 25, Plan 1772 NY to Hafso Developments Ltd., subject to the following conditions:

1. The purchase price to be \$2.00 per square foot, based on the area as determined by a plan of survey.
2. The purchaser will be responsible for all costs associated with survey and consolidation.
3. The purchaser to obtain the necessary agreements from ATCO Gas to develop parking over Utility Right of Way Plan 3109 KS.

Report Back to Council: No

Comments/Further Action: No


Kelly Kloss
City Clerk

/chk
attchs.

c Director of Corporate Services
 Director of Development Services
 City Assessor
 City Planning Manager

DATE: May 25, 2001

TO: Kelly Kloss, City Clerk

FROM: Rick Assinger, Chair, Community Housing Advisory Committee
Lyle Keewatin Richards, Vice-Chair, Community Housing Advisory Committee

RE: Recommendations from the Community Housing Advisory Committee

The Community Housing Advisory Committee is pleased to recommend to City Council the next projects to be funded by the Government of Canada and the Government of Alberta, in partnership with The City of Red Deer and the broader community, to meet some of the objectives of *The Journey Home, A Community Housing Plan for the City of Red Deer, Alberta*.

The Community Housing Advisory Committee met on May 23, 2001 to consider the next round of proposals for the Homelessness Initiative received on or before April 30, 2001. The Committee used the same process designed for considering the original submissions and was careful to adhere to the objectives of the Community Housing Plan and to meet the guidelines of the funders.

Each Committee member received and read each proposal before they met to discuss the allocations. The Committee invited the applicants to present to the Committee regarding how their proposal met the objectives of the Housing Plan and to answer any questions that the Committee had about the proposals.

The Recommendations of the Community Housing Advisory Committee are attached to this memo. As Chair and Vice-Chair of the Community Housing Advisory Committee, we would like to thank the community for meeting the timelines for submitting and discussing the proposals. We are also very appreciative of the time and hard work that the Committee members were willing to commit, within their very busy schedules.

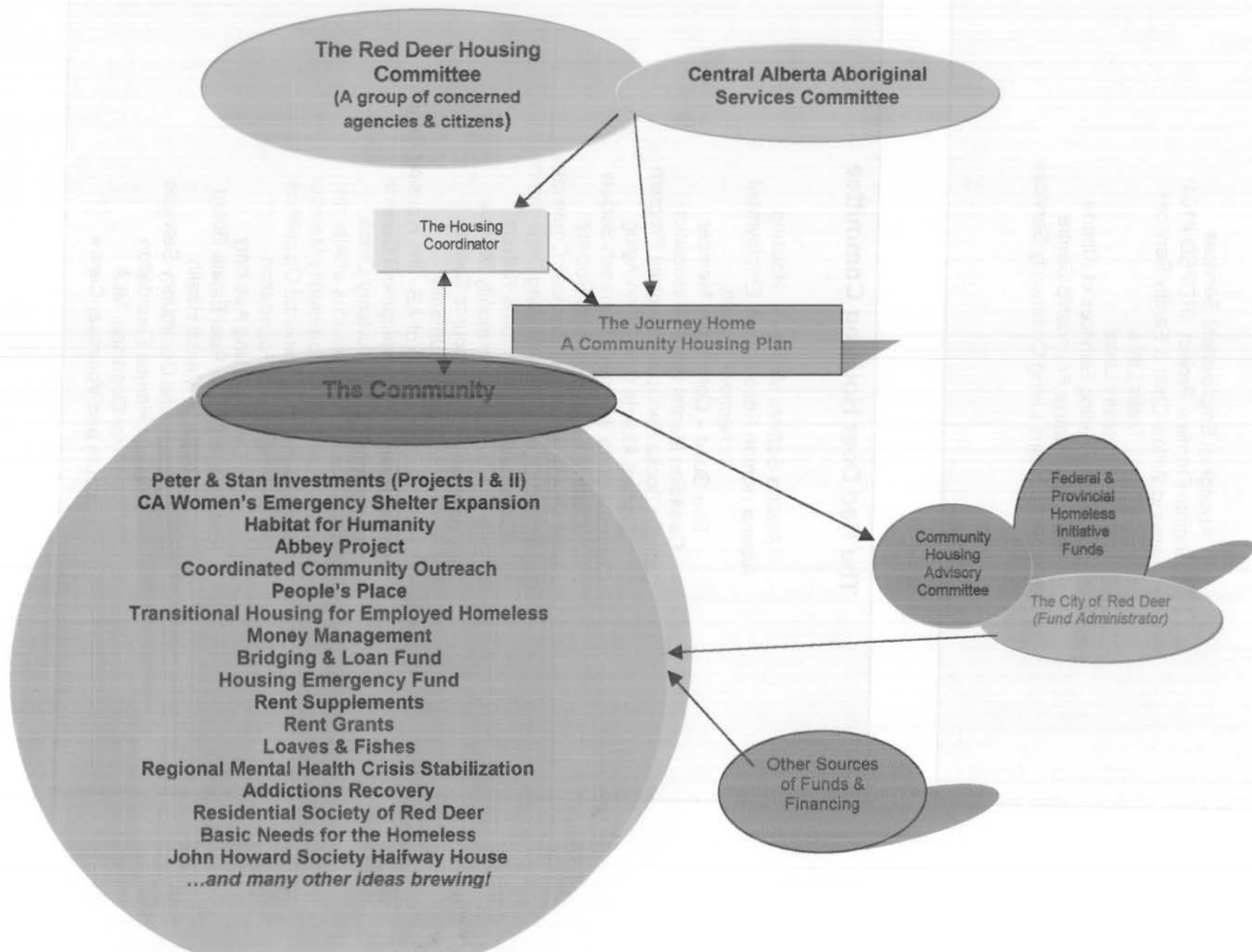
RECOMMENDATION

THAT City Council accept and approve the recommendations of the Community Housing Advisory Committee as contained in the attached chart.

Encl.

- c. Colleen Jensen, Community Services Director, City of Red Deer
John Jackson, Director, Human Resources Development Canada
Marcia Lee, Programs Officer, Human Resources Development Canada
Scott McKay, Housing Advisor, Alberta Community Development
Barbara Jeffrey, Social Planning Manager

The Journey Home A Community Housing Plan - How it Works!



Central Alberta Aboriginal Services Committee

Aboriginal Employment Services
 Aboriginal Frontline Project (RDPSD #104)
 Diamond Willow Child & Family Services
 Metis Links
 Metis Local
 Native Counselling Services of Alberta
 Red Deer Native Friendship Centre
 Shining Mountains Living Community Services

The Red Deer Housing Committee

Alberta Seniors Ministry – Housing
 Alberta Human Resources & Employment
 Alzheimer's Society
 Bea Good – Community Member
 Canadian Mental Health Association
 Catholic Social Services Immigrant Program
 Central Alberta Council on Aging
 Central Alberta Women's Outreach Society
 Central Alberta Housing Society
 Central Alberta Aboriginal Services Committee
 City of Red Deer Social Planning Department
 Community Information & Referral
 Evan Anderson – Community Member
 Golden Circle Resource Centre
 Habitat for Humanity
 Handicapped Housing Association of AB - the Housing Registry
 Human Resources Development Canada
 Landlord Tenant Advisory Office
 Native Counselling Services of Alberta
 Norman Jonossan – Community Member
 Persons with Developmental Disabilities
 Piper Creek Foundation
 Red Deer Housing Authority
 Red Deer & District Real Estate Board
 Regional Mental Health
 Shining Mountains Community Services
 Twilight Homes Foundation
 Victor Doerksen, MLA
 Youth and Volunteer Centre

COMMUNITY HOUSING FUNDING ALLOCATIONS
JUNE 4, 2001

Applicants	Proposal	Recommended	Year One (to March 31, 2001)	Year Two (to March 31, 2002)	Year Three (to March 31, 2003)
Residential Society of Red Deer (Foundation for Inspirational Moments)	Operate a program of rental accommodations by matching tenants to share facilities.	Funding for the last nine months of this fiscal year and base the final year's funding on a successful evaluation of the program.		\$75,000	\$100,000
Central Alberta Housing Society	Funding for renovations (\$20,000) of newly purchased duplex funded by this Initiative.	Funding not recommended			
Central Alberta Housing Society	Rent grants as identified in the Housing Plan to allow families in special circumstances the opportunity to stabilize their housing	Recommended as requested		\$26,880	--
Central Alberta Housing Society	Housing to be constructed to provide 20 units of second stage housing for women and children fleeing violence together with 40 units of affordable housing (led by Art Anastasi Abbey Homes)	Partial funding recommended		\$352,066	\$147,934
Loaves and Fishes	Funding to renovate an existing building to make the building more hospitable for people who are homeless	Partial funding recommended		\$24,300	

**COMMUNITY HOUSING FUNDING ALLOCATIONS
JUNE 4, 2001**

Applicants	Proposal	Recommended	Year One (to March 31, 2001)	Year Two (to March 31, 2002)	Year Three (to March 31, 2003)
Shining Mountains Community Living Services	Mobile support to people living outside in the winter	Not recommended at this time but need more exploration of this concept and the concept of winter camps; funding set aside		\$40,000	\$20,000
Shining Mountains Community Living Services	Purchase of a house (Tawow House) and ongoing support for people recovering from addictions	Funding for 25% of the house, furnishings, start-up costs, and mortgage payments for rest of fiscal year and the final year; funding for support for 1 1/2 years		\$110,350	\$86,000
Red Deer College	Program to use students to build one of the housing projects presently funded	Funding not recommended because the program was seen as educational more than housing related			
Central Alberta Women's Outreach Society	'Welcome Home' Kits of cleaning supplies to enable residents to maintain the homes and retain their damage deposits	Recommended for funding		\$6,500	
		TOTALS		\$595,096	\$233,934

DATE: May 25, 2001

TO: Kelly Kloss, City Clerk

FROM: Barbara Jeffrey, Social Planning Manager

RE: Recommendations from the Community Housing Advisory Committee

On November 6, 2000, City Council agreed that the City of Red Deer would be the Fund Administrator for the Community Housing Plan, subject to funding agreements being in place with the Government of Canada and Province of Alberta and to the City receiving reasonable compensation for being the administrator. Agreements have been signed with both levels of government and an administration fee negotiated for the project.

On November 20, 2000, City Council established an ad hoc Community Housing Advisory Committee to recommend proposals for housing and supports based on The Journey Home, A Community Housing Plan for the City of Red Deer, Alberta.

The funding dollars that the Community Housing Advisory Committee is allocating at the present time is specifically to deal with issues of homelessness and transitional housing. The Agreement with the Province of Alberta states that the projects will provide "housing and/or housing support services to alleviate the problem of homelessness." The Government of Canada states that projects eligible for funding will address the spectrum of homelessness issues, but can not be used for permanent housing for homeless people.


The Community Housing Advisory Committee met for the full day on May 23, 2001 to consider the next round of proposals for funding from the Homelessness Initiative. Representatives of each group that submitted a proposal were asked to attend the meeting to elaborate on how their proposal fitted the Housing Plan and to answer questions. Nine proposals were submitted, including one from Inspirational Moments which had been considered in the initial round of proposals. The recommendations of the Community Housing Advisory Committee are included with the memo to Council from Rick Assinger, Chair of the Committee.

Each of the groups that submitted a proposal has been notified of the recommendations of the Community Housing Advisory Committee and the date that the recommendations would be considered by Council.

Included with this memo is a spreadsheet giving an overview of the funding and the expenditures, including the recommendations presently before Council. Rick Assinger, Chair of the Community Housing Advisory Committee will attend the meeting of Council to answer any questions.

RECOMMENDATION

THAT Council for the City of Red Deer approve the recommendations of the Community Housing Advisory Committee as presented.

Enc. 

**CITY OF RED DEER - COMMUNITY HOUSING ADVISORY COMMITTEE
FUNDING OVERVIEW**

	Year One - 2000/2001				Year Two - 2001/2002				Year Three - 2002/2003				TOTALS
	ACD	SCPI	Urban Ab	City/Other	ACD	SCPI	Urban Ab	City/Other	ACD	SCPI	Urban Ab	City/Other	
REVENUES													
Alberta Community Development	\$ 200,000				\$ 200,000				\$ 200,000				\$ 600,000
HRDC - SCPI		\$ 1,899				\$ 611,483				\$ 306,691			\$ 920,073
Urban Aboriginal Funding			Tst to Year 2				\$ 281,400				\$ 140,700		\$ 422,100
Housing Solutions/Other Community Funds				\$ 142,000				\$ 142,000				\$ 142,000	\$ 426,000
City of Red Deer (In-Kind)				\$ 300				\$ 3,600				\$ 3,600	\$ 7,500
TOTAL REVENUES	\$ 200,000	\$ 1,899	Tst to Year 2	\$ 142,300	\$ 200,000	\$ 611,483	\$ 281,400	\$ 145,600	\$ 200,000	\$ 306,691	\$ 140,700	\$ 145,600	\$ 2,375,673
EXPENDITURES													
Project Expenditures													
Loan Circle - Emergency Fund	\$ 25,000												\$ 25,000
Loan Circle - Supports	\$ 2,080			\$ 12,500	\$ 12,500			\$ 12,500	\$ 12,500			\$ 12,500	\$ 64,580
Coordinated Outreach	\$ 12,310					\$ 126,000				\$ 126,000			\$ 264,310
CAHS - Support Workers	\$ 12,500				\$ 50,000				\$ 50,000				\$ 112,500
Loaves and Fishes	\$ 2,750				\$ 16,500				\$ 16,500				\$ 35,750
P&S Investments	\$ 144,094				\$ 19,906								\$ 164,000
CAHS - Transitional Housing (Duplex)						\$ 190,000							\$ 190,000
Housing Coordinator				\$ 70,000				\$ 70,000				\$ 70,000	\$ 210,000
City SP Housing Programs - various				\$ 10,500				\$ 10,500				\$ 10,500	\$ 31,500
Addition of 0.3 FTE CW - City				\$ 14,000				\$ 14,000				\$ 14,000	\$ 42,000
Landlord/Tenant Support Worker				\$ 35,000				\$ 35,000				\$ 35,000	\$ 105,000
CAWOS - Welcome Home Kits					\$ 6,500								\$ 6,500
Loaves and Fishes - Renovations					\$ 24,300								\$ 24,300
Tawow House							\$ 110,350				\$ 86,000		\$ 196,350
CAHS - Rent Grants					\$ 26,880								\$ 26,880
Residential Society of Red Deer							\$ 75,000		\$ 65,300		\$ 96,700		\$ 175,000
Winter Camp (Conditional)							\$ 40,000				\$ 20,000		\$ 60,000
Abbey Project					\$ 26,262	\$ 269,754	\$ 56,050			\$ 147,934			\$ 500,000
Total Project Expenses	\$ 198,734	\$ -	\$ -	\$ 142,000	\$ 182,848	\$ 585,754	\$ 281,400	\$ 142,000	\$ 144,300	\$ 273,934	\$ 140,700	\$ 142,000	\$ 2,233,670
Administration	\$ 1,266	\$ 1,899		\$ 300	\$ 17,152	\$ 25,729		\$ 3,600	\$ 16,832	\$ 25,249		\$ 3,600	\$ 95,626
TOTAL EXPENDITURES	\$ 200,000	\$ 1,899		\$ 142,300	\$ 200,000	\$ 611,483	\$ 281,400	\$ 145,600	\$ 161,132	\$ 299,183	\$ 140,700	\$ 145,600	\$ 2,329,296
Balance Available	\$ -	\$ -		\$ -	\$ -	\$ 0	\$ -	\$ -	\$ 38,868	\$ 7,508	\$ -	\$ -	\$ 46,377

This spreadsheet represents the most current information available to:

May 25, 2001

Entity - Cash flow form.xlsFinancial Summary

Comments:

I agree with the recommendations of the Community Housing Advisory Committee.

"N. Van Wyk"
City Manager

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001
TO: Social Planning Manager
FROM: City Clerk
RE: *Recommendations from the Community Housing Advisory Committee
Allocation of Funding - Homelessness Initiative*

Reference Report:

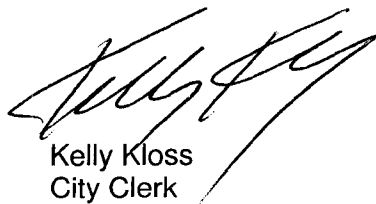
Community Housing Advisory Committee dated May 30, 2001 and Social Planning Manager dated May 2, 2001

Resolution:

Resolved that Council of the City of Red Deer, having considered the report from the Community Housing Advisory Committee dated May 25, 2001, re: Recommendations from the Community Housing Advisory Committee, hereby approves the recommendations as presented to Council June 4, 2001.

Report Back to Council: No

Comments/Further Action:



Kelly Kloss
City Clerk

/chk
attchs.

c Director of Community Services
Director of Corporate Services
Community Housing Advisory Committee

Item No. 4

057-1001 K

Date: May 29, 2001
To: City Clerk
From: Acting Engineering Services Manager
Re: **Traffic By-law 3186/97**
Amendment Number 3186/A2001
Proposed Speed Limit Reduction on 39 Street

In order to accommodate residential development in this area, this summer we are extending Dempsey Street to intersect with 39 Street, between Dowler Street and the eastern boundary of the City of Red Deer, as an extension to the City's collector street system. Upon completion, the speed limit for this section of roadway should be reduced due to the new intersection and the urban rather than rural environment.

Recommendation

We respectfully recommend that Council consider amending the current speed limit on 39 Street, from 80 km/h to 50 km/h, between 20 Avenue and the extension of Dempsey Street. The following Traffic By-law revisions are included for three readings.

SCHEDULE "D" 80 km/h

STREETS

Delete line 1, "39 Street from 300 metres west of 20 Avenue to the East City Limit"

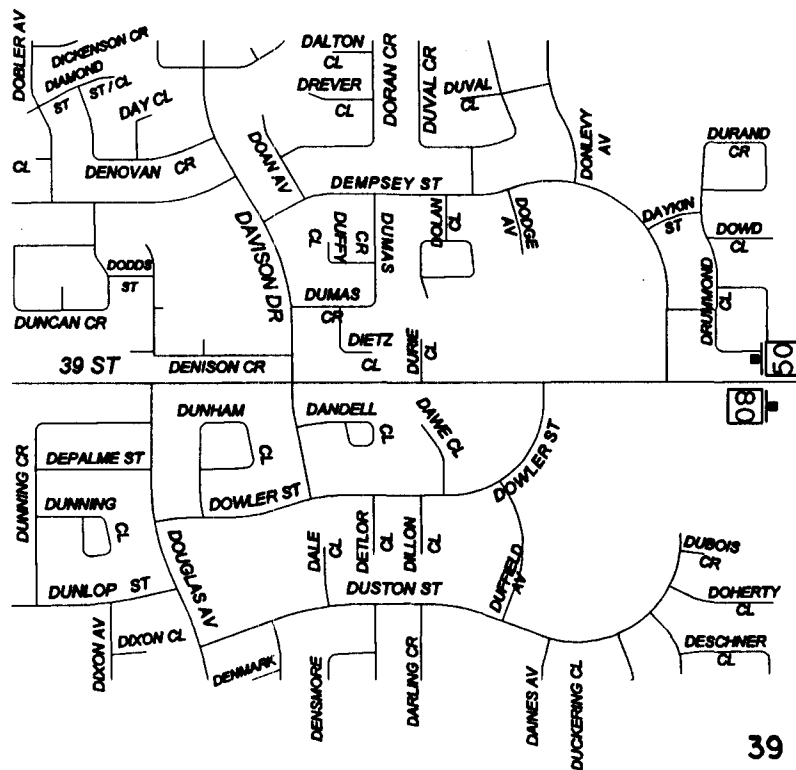
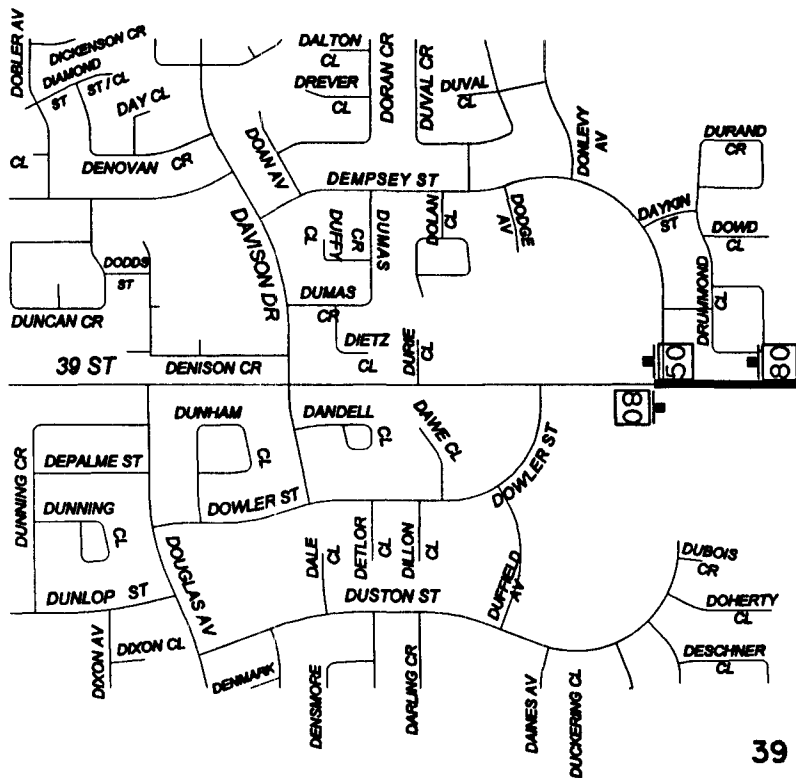


Tom C. Warder, P. Eng.
Acting Engineering Services Manager

RKW/emr

Att.

c. Acting Public Works Manager



				PREPARED BY RKW	THE CITY OF RED DEER ENGINEERING DEPARTMENT		APPROVED BY
				DATE May/01			ENGINEER EXHIBIT NO.
				SCALE 1:5,000	PROPOSED SPEED LIMIT CHANGES 39 STREET AND DOWLER STREET		1 OF 1
NO.	DATE	REVISION	APP'D				

SCHEDULE "D"¹

Page 1 of 1

80 km/h

STREETS

~~1 — 39 Street from 300 metres west of 20 Avenue to the East City Limit~~

21 19 Street from 375 metres east of 40 Avenue to the East City Limit

¹ 3186/C-99, 3186/C-2000, 3186/E-2000

Comments:

I agree with the recommendation that Council proceed with three readings of Traffic Bylaw Amendment 3186/A-2001.

"N. Van Wyk"
City Manager

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001

TO: Acting Engineering Services Manager

FROM: City Clerk

RE: *Traffic Bylaw Amendment 3186A-2001 / Request to Amend Traffic Bylaw 3186/97 / Proposed Speed Limit Reduction on 39 Street*

FILE

Reference Report:

Acting Engineering Services Manager dated May 29, 2001

Bylaw Readings:

Traffic Bylaw Amendment 3186/A-2001 / Request to Amend Traffic Bylaw 3186/97 was passed. Copies of the bylaw amendment are attached.

Report Back to Council: No

Comments/Further Action:

The consolidated version of the Traffic Bylaw will now be updated and distributed to bylaw subscribers.



Kelly Kloss
City Clerk

/chk
attchs.

c Director of Development Services
 Land and Economic Development Manager
 Public Works Manager
 C. Kenzie, Clerk Steno, City Clerk's Office

BYLAW NO. 3186/A-2001

Being a bylaw to amend Bylaw No. 3186/97 the Traffic Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3186/97 is hereby amended as follows:

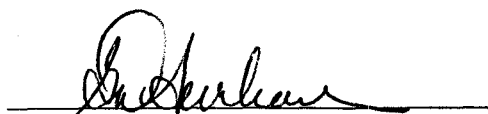
- 1 By deleting Schedule "D" and replacing it with the attached Schedule "D".

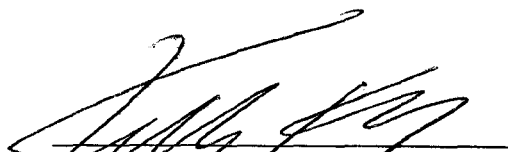
READ A FIRST TIME IN OPEN COUNCIL this 4TH day of JUNE 2001.

READ A SECOND TIME IN OPEN COUNCIL this 4TH day of JUNE 2001.

READ A THIRD TIME IN OPEN COUNCIL this 4TH day of JUNE 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 4TH day of JUNE 2001.


MAYOR


CITY CLERK

SCHEDULE "D"

Page 1 of 1

80 km/h

STREETS

- 1 19 Street from 375 metres east of 40 Avenue to the East City Limit

Item No. 5

DATE: May 29, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land and Economic Development Manager

RE: **LOT PRICING KENTWOOD WEST PHASE 13**

Kentwood West Phase 8 is virtually sold out with only 3 lots remaining. The City is now developing Phase 13 of Kentwood West, immediately west of Kendrew Drive, south of Kent Street and east of Taylor Drive with an anticipated completion date of late summer or early fall. Contracts for servicing are in the process of being awarded and in keeping with our historical marketing plans, we are recommending that the City proceed with a presale and lot draw to allow individuals and contractors the opportunity of securing a lot.

Phase 13 consists of 55 single family building lots in Keith Close and another 16 along the west side of Kendrew Drive. This phase also has 2 pair of duplex lots and 7 single family narrow lots as an alternative to duplexes. We anticipate continued interest in Phase 13 based on the strong demand for the last phase and the affordable lot price relative to other parts of the city.

Architectural Standards and Controls

There are no architectural standards or controls applicable to this phase of Kentwood West, however, it should be noted that the City has now completed a noise study for the industrial area and rail line to the north. Recommendations from this study are being undertaken by the City to reduce, not minimize, noise in the area. A berm has been constructed on the south side of the CP Rail line and a noise attenuation fence on top of the berm is planned for 2002. Engineering Services have also incorporated the construction of grade separation overpass at the rail line into the 5-year capital budget.

The noise study also makes recommendations with regards to building materials and standards that home builders should incorporate into their homes to reduce the noise. This information will be available to prospective purchasers.

Lot Pricing

As per City policy to sell land at market value, an independent fee appraiser was hired this past April to provide us with recommendations for land values in Kentwood West Phase 13. Land and Economic Development have reviewed the appraiser's report, as well as, we conducted our own internal valuation. Both reports vary slightly in their methods of determining base values and applicable adjustments, however, both are in close agreement of the market values in this area.

.../2

MEMO

City Clerk

Page 2

The appraisals indicate a base market value of **\$8.00 per square foot** for single family lots up to 6,500 square feet and **\$8.75 per square foot** for duplex lots and narrow (R1N) lots up to 4,500 square feet. Further positive or negative adjustments for size, location, etc., and rounding are applied to determine each final lot value. Typical discounts are taken off for location, eg. corners or those lots adjacent to major roadways, and for odd shaped lots while larger sized parcels, above 6500 sq. ft. or 4,500 sq. ft. respectively, decrease in value on a square foot basis.

In comparison to Phase 8, approved by City Council in 1999, market values have increased slightly from \$7.40 and \$7.60 p.s.f., depending on location, to \$8.00 p.s.f. or equivalent to a 5.3% to 8.1% increase. Duplex and narrow lots have increased from \$8.30 p.s.f. to \$8.75 p.s.f. or equivalent to a 5.4% increase. The majority of lot prices in this phase, excluding GST, will range from the high \$30,000's for smaller lots to the low \$50,000's for larger pie shaped lots.

Recommendation

That City Council approves the base price of \$8.00 per square foot for single family and \$8.75 per square foot for duplexes, plus further adjustments to be approved by the City Manager, and proceeding with a lot draw pre-sale for Kentwood West Phase 13. We further recommend that Council maintain the existing prices for the remaining inventory in Kentwood West Phase 8.

Respectfully submitted,












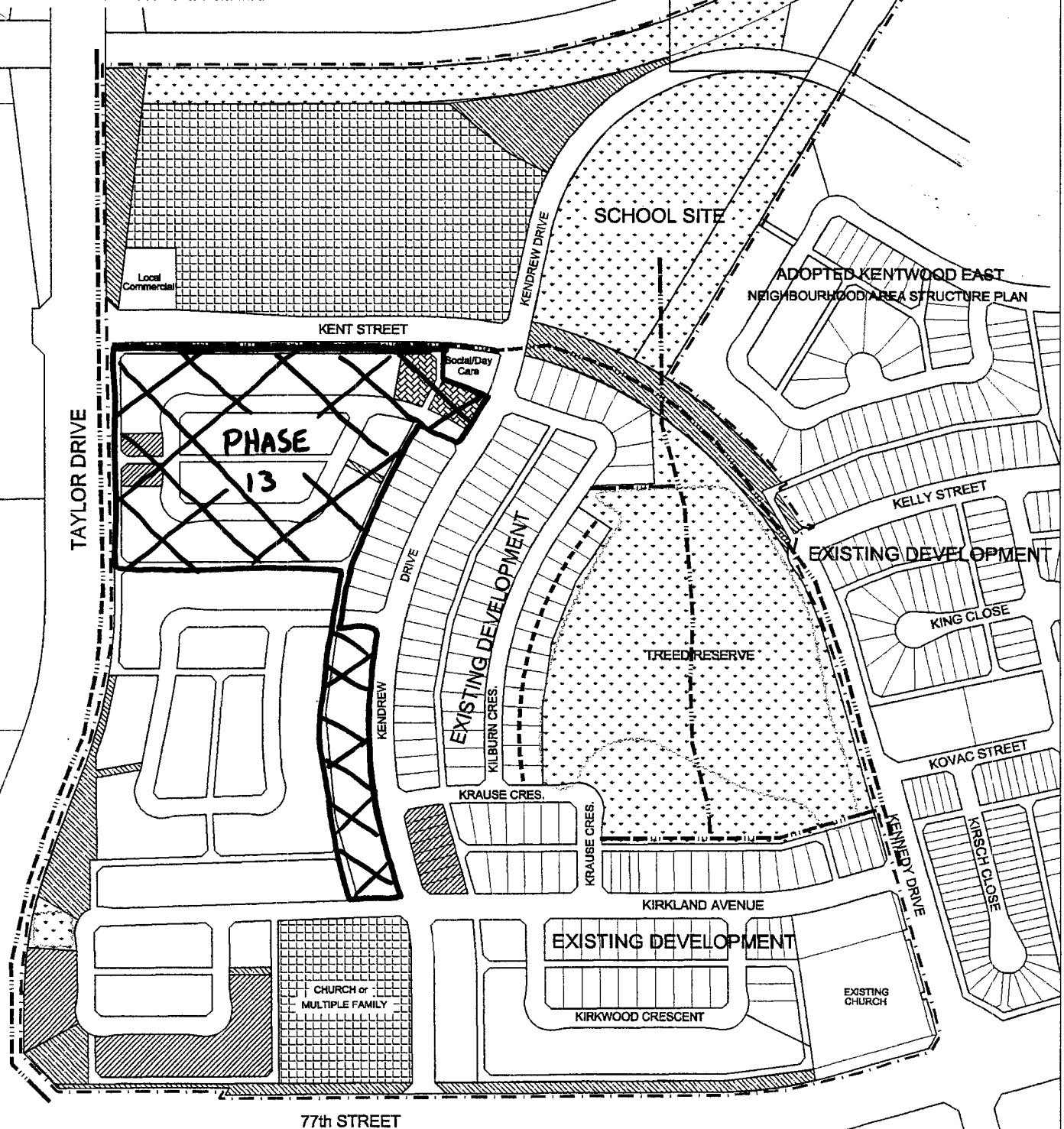
Howard Thompson

c. Bryon Jeffers, Director of Development Services

Kentwood West Neighbourhood Area Structure Plan

Figure 3 - Proposed Land Use

- | | | |
|--|--|---|
|  NASP Plan Boundary |  Medium Density Residential |  Public utility lot |
|  Single Family Residential |  Narrow Single Family | |
|  Semi-Detached Residential |  Parks and Recreation | |
|  Two Storey Residences With Walkout Basements Permitted |  Pedestrian/Bike Trails | |



Comments:

I agree with the recommendations of the Land & Economic Development Manager.

"N. Van Wyk"
City Manager

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001
TO: Land and Economic Development Manager
FROM: City Clerk
RE: *Lot Pricing – Kentwood West Phase 13*

FILE

Reference Report:

Land and Economic Development Manager dated May 29, 2001

Resolutions:

Resolved that Council of the City of Red Deer, having considered the report from the Land and Economic Development Manager dated May 29, 2001, re: Lot Pricing in Kentwood West – Phase 13, hereby agrees:

1. That the base price for single family be \$8.00 per square foot and \$8.75 per square foot for duplexes and narrow lots (R1N), plus further adjustments for size, location, etc. and rounding to be approved by the City Manager;
2. To proceed with a lot draw pre-sale for Kentwood West – Phase 13.
3. To maintain the existing prices for the remaining inventory in Kentwood West – Phase 8 as at June 4, 2001.

Report Back to Council: No

Comments/Further Action: No



Kelly Kloss
City Clerk

/chk
attchs.

c Director of Development Services
 Director of Corporate Services
 Inspections & Licensing Manager
 City Assessor
 City Planner

Item No. 6

DATE: May 29, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land and Economic Development Manager

RE: **LOT PRICING AND ARCHITECTURAL STANDARDS
LANCASTER GREEN PHASE 2**

Lancaster Green Phase 1 has generated considerable interest over the last 2 years with only 36 lots of the original 138 remaining. The City is now developing Phase 2 of Lancaster Green, immediately south of Lancaster Drive with an anticipated completion date of late summer or early fall. Contracts for servicing have now been awarded and in keeping with our historical marketing plans, we are recommending that the City proceed with a presale and lot draw to allow individuals and contractors the opportunity of securing a lot.

Phase 2 consists of 61 single family building lots. Consistent with the parks/green area theme identified in the Lancaster Green Neighborhood Area Structure Plan, the majority the lots in this phase back onto either a detention pond or a linear park. Also approximately half of the lots are designed for 2-storey houses with walkout basements and a few will accommodate bungalows with walkout basements backing onto a lane. We anticipate continued interest in Phase 2 based on the strong demand for similar premium walkout lots in Phase 1, which were the first to sell.

Architectural Standards and Controls

The internal committee that developed the architectural standards and controls for Phase 1 have reviewed the guidelines and determined some minor changes for Phase 2. Due to the majority of lots backing onto green areas, for consistency all lots in this phase will be required to adhere to the same architectural guidelines. The minor changes include clarifying definitions of: housing styles, minimum square footages, listing approved product names for architectural roof shingles, identifying transitional lots and acceptable fascia accents. Overall the guidelines and process were well accepted by the development community. We are recommending City Council approve the attached copy of the architectural development guidelines for Phase 2.

Please note that the administrative process to review the building plans and do the final inspections will continue to be contracted out to a third party. Purchasers will continue to be required to provide a \$1,000 refundable deposit or bond to ensure that the architectural controls are met.

Lot Pricing

As per City policy to sell land at market value, an independent fee appraiser was hired this past April to provide us with recommendations for land values in Lancaster Green

.../2

MEMO

49

City Clerk
Page 2

Phase 2. Land and Economic Development have reviewed the appraiser's report, as well as, we conducted our own internal valuation. It is apparent that the high level of land development the overall city has been experiencing has maintained a very competitive marketplace for land values since we last came before City Council in 1999. Both reports vary slightly in their methods of determining base values and applicable adjustments, however, both conclude similar final values for a random selection of lots.

Both appraisals indicate a base market value of **\$9.00 per square foot** for lots up to 6,500 square feet, which includes a factor for the lots in this phase backing onto green areas. Further positive or negative adjustments for size, location, walkout basements, etc., and rounding are applied to determine each final lot value. Typical discounts are taken off for location, eg. corners or those lots that do not back onto the green areas, and for odd shaped lots, while larger sized parcels, above 6500 sq. ft., decrease in value on a square foot basis. Premiums are added to lots that can accommodate walkout basements. For those lots adjacent to the green areas, the purchase price also includes a City installed chain link fence and a gate along the rear property line.

Based on the application of these adjustments, which differ slightly from Phase 1, direct comparison to the lot prices with Phase 1 is difficult to do for all of the lots. In general terms, the recommended base price for Lancaster Green Phase 2 will result in a slight increase from Phase 1 prices from approximately zero to just over \$2,000 per lot depending on the features of the lot. For example, a 52 foot rectangular lot (6,100 sq. ft.±) backing onto the detention pond with walkout basement will sell for approximately \$59,100 in Phase 2 versus \$57,600 for a similar lot in Phase 1. A regular 52 foot rectangular lot (5,900 sq. ft.±) backing onto a lane will sell for approximately \$51,200 in Phase 2 versus \$49,050 for a similar lot in Phase 1. Large pie shape lots have not increased in value.

Recommendation

That City Council approves the base price of \$9.00 per square foot plus further adjustments to be approved by the City Manager, the Architectural Development Guidelines, and proceeding with a lot draw pre-sale for Lancaster Green Phase 2. We further recommend that Council maintain the existing prices for the remaining inventory in Lancaster Green and Meadows.

Respectfully submitted,

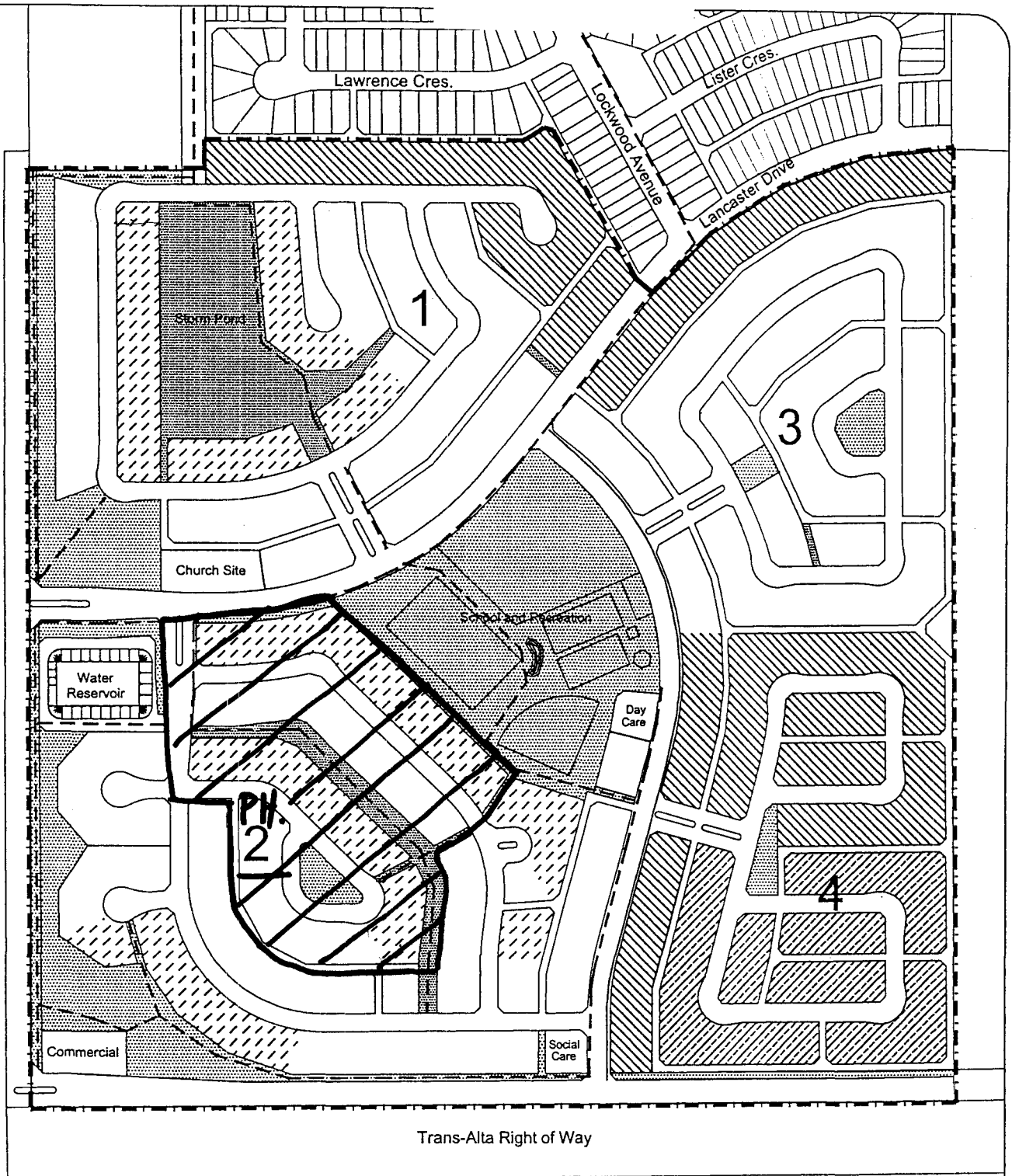


Howard Thompson

Attach.

c. Bryon Jeffers, Director of Development Services

30th Avenue

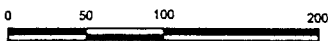


LANCASTER SOUTH OUTLINE PLAN

Figure 3 - Development Concept & Staging



Scale In Metres



Prepared by: RD Engineering Services
and PCPS

July 15, 1998

- | | | | |
|-----------|--|-----|----------------------|
| — · — · — | Study Boundary | | Parks and Recreation |
| | R1 Residential | | Public Utility Lot |
| | R1 - R1A Residential | --- | Pedestrian/Bike Path |
| | R2 Medium Density Residential | 2 | Staging Sequence |
| | 2 Storey Residences With Walkout Basements Permitted | — | Staging Boundary |

Comments:

I agree with the recommendations of the Land & Economic Development Manager. The Architectural Development Guidelines will be provided at the Council meeting.

"N. Van Wyk"
City Manager

COUNCIL MEETING OF JUNE 4, 2001

ATTACHMENT

DOCUMENT STATUS: PUBLIC

**REFERS TO: LAND & ECONOMIC DEVELOPMENT:
ARCHITECTURAL STANDARDS
LANCASTER GREEN PHASE 2 ..1**

MEMO

1

DATE: June 1, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land and Economic Development Manager

RE: **ATTACHMENT FOR ARCHITECTURAL STANDARDS
LANCASTER GREEN PHASE 2**

Please find attached the Residential Land Policies, Requirements and Procedures brochure that contain the proposed Architectural Development Guidelines for Lancaster Green Phase 2. This attachment is to accompany the report on page 48 of the Council Agenda. All changes to the brochure as compared to Phase 1 are hi-lighted.



Howard Thompson

Attach.

c. Bryon Jeffers, Director of Development Services

CITY OF RED DEER
Residential Land Policies, Requirements and Procedures
Lancaster Green Phase 2 - 61 Single Family Dwelling Lots

Phase 2 is located directly south of the existing Phase 1 of the Lancaster Green subdivision, and east of 30 Avenue. By incorporating the existing natural vegetation into the overall design concept and utilizing the natural topography of the area, we have created a tiered series of crescents, providing a wide selection of premium walk-out lots and regular lots backing onto green areas.

A. RE: HOMEOWNER APPLICANTS ONLY

Purchasers in the homeowner category may not purchase a lot if they are presently constructing a development on a previously purchased City lot.

B. RE: CONTRACTOR APPLICANTS ONLY

To purchase a lot as a contractor, contractors must present a current City General Contractor's License upon making application.

C. GENERAL POLICIES AND REQUIREMENTS WHICH APPLY TO BOTH HOMEOWNER AND CONTRACTOR APPLICANTS

1. An Application Fee of \$600.00 in cash or by certified cheque, bank draft or money order must be paid with each application. Such fee will apply on the purchase price if the option is accepted, but shall be forfeited if the applicant selects a lot but does not enter into the Option Agreement. The fee will be returned if the Applicant's name is not drawn to receive a lot and/or if their name is drawn but applicant does not take a lot.
2. Option and Development Agreements are to be signed and returned to the City within thirty (30) days of being mailed by the City by registered mail.

3. TERMS OF OPTION:

Payment Option #1 or #2 must be selected prior to signing of the agreements. However, if Option #1 is chosen, the Optionee may convert to Option #2 at any time they wish to commence construction, *on the understanding that the balance of the purchase price and any applicable G.S.T. is due sixty (60) days from the date of issuance of the Foundation or Building Permits, or by the due date of the final 1/3 payment, whichever date falls first.*

Option #1:

- a) 1/3 of the purchase price less the Application Fee of \$600.00 within 15 days of notification by the City that services are completed within the subdivision;

- b) 1/3 of the purchase price within 4 months of the date of the agreement;
- c) 1/3 of the purchase price plus Goods and Services Tax (G.S.T.) calculated on the total purchase price within 8 months of the date of the agreement.

With this option, the City will not permit construction to commence until payment in full has been received or Option #1 has been converted to Option #2.

OR

Option #2:

- a) 15% of the purchase price ("the deposit") within 15 days of notification by the City that services are completed within the subdivision;
- b) the remaining balance of the purchase price plus Goods & Services Tax (G.S.T.) calculated on the total purchase price shall be paid not later than 60 days thereafter.

The City will accept payment of the balance of the purchase price from the first mortgage draw.

- 4. G.S.T. is not payable to the City by contractors, provided they furnish to the City their G.S.T. Registration Number and complete the Undertaking attached to their agreement as Schedule "B".
- 5. The Transfer of Land conveying title to the purchaser will not be released until the lot is paid for in full and either:
 - a) the construction of the residence is completed; or
 - b) a mortgage has been approved in the name of the Applicant for construction, in which case a transfer back of title to the City will be required.
- 6. Construction must commence not later than 12 months from the date of the Option and Development Agreement, and be completed not later than 18 months from the date of the said agreement. "Commence construction" means that the basement walls and sub-floor shall be completed and in place, the outside basement excavation is back-filled, as determined by the City.

-
7. If an Applicant, after signing the Option Agreement, fails to commence construction, or desires to cancel such agreement, he shall be entitled only to a refund of that portion of the purchase price paid by the Applicant under the said Option Agreement, less:
- a) the \$600.00 Application fee;
 - b) an amount equal to 10% per year of the total purchase price multiplied by the number of days elapsed from the date of the agreement; and
8. 1) The Applicant, prior to commencement of construction, may:
- a) exchange his/her lot for another lot in the same phase of this subdivision, if available, and paying a fee of \$100.00. All dates and requirements of the original agreement will continue to apply;
 - b) may exchange his/her lot for a lot in a different phase of the same subdivision, if available, and paying a fee of \$500.00.
- 2) The Applicant will not be permitted to exchange his/her lot for another lot within a different subdivision.
9. The City will service all lots in 2001 with the exception of lane construction and street paving, which will be completed in 2002. Underground servicing, sidewalks and gravel road construction is anticipated to be completed by August 31, 2001, however, this is subject to the contractor's work schedule and weather conditions.
10. Lot draw rules and policies are subject to such other qualifying criteria as City Council may establish prior to the date of the lot draw (sale and possible rescheduling of the sale date).
11. Notwithstanding any representations made, the title to all lots sold by the City shall be subject to all easements and restrictions registered against the title to such lands.
12. Prices and lot dimensions are listed in the attached price list and schedules, but are subject to change without notice and will not be considered firm until the Option and Development Agreement is given to the Applicant.
13. The Applicant will be responsible for payment of property taxes levied on a lot from the first day of the month following the date the lot is paid for in full.

-
14. Lots not sold at the Lot Draw will be made available on a first come, first serve basis, commencing at 8:00 a.m. on the day following the Lot Draw.
 15. Building permits can take up to three weeks for processing, however, they will be processed as soon as possible. Building permits will not be issued until the Land and Economic Development Department has confirmed receipt of at least 15% of the total purchase price as a deposit on the property. Building permits will not be issued until water, power and roads are constructed and notification of completion is issued by the appropriate City departments.
 16. Pre-grading and Site Grading:
 - a) The site has been pre-graded but is not leveled to finished drainage grades. Final lot leveling is the responsibility of the applicant.
 - b) Applicants are to confirm proposed lot corner elevations (rear and front) and recommended landscaping grades with the Engineering Services Department. Purchasers must conform to these elevations.
 - c) Purchasers are advised to contact purchasers of abutting lots to determine compatibility of house design, elevation and drainage grades.

D. RESPONSIBILITIES OF THE APPLICANT

1. It is the responsibility of the Applicant(s):
 - a) to investigate the title to the purchased lot at the Land Titles Office in Edmonton, Alberta;
 - b) to check for and confirm easements as shown on the maps;
 - c) to provide for the installation and connection of the electrical service lead, cable, telephone, gas service, water service and sanitary service from the meters on the building to the utility system at a point on the property line designated by the City, the location of which will be supplied by the relevant utility supplier;
 - d) to check for and confirm utilities with the City Engineering Department (telephone 342-8161), the City Electric Light and Power Department (telephone 342-8274), Atco Gas, Telus, Shaw Cable T.V., and review the attached maps to determine front or rear servicing of the lot.
 - e) to review the attached maps and consult with the Inspections and Licensing Department to obtain side yard requirements, maximum and minimum floor

areas required, Building Line Frontages and Front and Rear Yard Setback requirements, to make themselves aware of the location of utility facilities which may be in conflict with proposed building plans, and determine if the proposed dwelling and garage meets Land Use Bylaw No. 2672/80 requirements;

- f) to submit building plans in metric dimensions;
- g) to protect the property survey pins which have been checked and placed by an Alberta Land Surveyor prior to the lot draw. The City shall not be responsible for the replacement of property pins after the lot has been sold;
- h) to contain the excavation dirt from the basement and any construction debris, entirely within the lot property lines;
- i) to provide for the placement and hauling of black dirt for landscaping purposes. The black dirt may be obtained only from the stockpile designated by the City. Once the black dirt stockpiles are depleted, the City will not be responsible for the supply of top soil. No other fill will be supplied. Top soil stock pile for Lancaster Green Phase 2 is located in the northeast corner of this quarter section, east of Lancaster Drive (see attached map).
- j) to check for Canada Post Community Mail Box locations as shown on the attached maps;
- k) that if a driveway is proposed, the location is subject to approval by the Engineering Services Department. Curbcut and sidewalk crossings will not be permitted as a modified type of rolled monolithic curb will be constructed in these areas. Settlement of driveways in the easement and boulevard areas to be the responsibility of the Applicant;
- l) to obtain information from the Engineering Services Department to ensure that the house type is compatible with sewer grades as footing elevations within the subdivision will vary;
- m) to review and take into consideration the recommendations of the soils report for the appropriate subdivision. Each report is available at the City Engineering Department. The City makes no representations or warranties with respect to subsoil or foundation conditions and it is the sole responsibility of the Purchaser to take appropriate steps to ensure adequate foundations for any buildings erected thereon. Sulphate Resistant Portland (type 50) cement is to be used for all concrete in contact with soil. Normal Portland Cement (type 10) may be used only if site specific soil sulphate tests are performed;
- n) to have a geotechnical engineer inspect the soils at excavated depth prior to pouring any concrete. The owners are to provide The City of Red Deer with a copy of the geotechnical engineer's report, verifying that the soils have adequate

bearing capacity and/or stipulating any construction recommendations and specifications;

- o) to submit a copy of a geotechnical engineer's bearing certificate and verification of the "as built" installation upon completion of the foundation system. The owner is hereby advised that a structural engineer's report may also be required.
- p) to advise the Land and Economic Development Department upon completion of a final inspection. If the property was transferred prior to the completion of the development, a caveat will be placed on the title with respect to development. The City will discharge the caveat upon:
 - a) confirmation from the Inspections and Licensing Department that the dwelling has been approved for occupancy; and
 - b) upon receipt of confirmation from the independent Architectural Representative regarding compliance with the Architectural Development Guidelines, the City shall refund the said sum of \$1,000.00 to the Optionee or his assignee.
- q) to adhere to the Architectural Development Guidelines for the specific subdivision, attached as "Schedule A" to this brochure and the Option and Development Agreement.

E. LANDSCAPE GRADES

As part of the permitting system for residential development, the Engineering Department provides **Building Grade Certificates** to the homeowner or builder. The Certificate contains information that is to be used to control the elevations of the building so as to ensure the following:

1. Proper foundation depth relative to the depth of sanitary and storm services,
2. Proper site surface drainage away from the building to the adjacent street and/or lane,
3. Complimentary landscaping grade between adjacent properties.

A **Landscape Grade** has been established for each lot. This grade will provide proper drainage away from the building, and make it possible for the site to drain directly to the land, street, or both. The **onus is on the developer/contractor** to ensure that these grades are met. If a special situation arises, the builder may contact the Engineering Consultant for the subdivision and discuss grade changes. Any changes must be authorized by the Engineering Consultant and forwarded to the City for our records.

Any development that is found to not meet the requirements of the Landscape Grade may be subject to one or more of the following:

1. Stop Work Order
2. Denial of any further Building Permits
3. Denial of Occupancy Permit

Resolution of the problem may require the owner/builder to reconstruct the building foundation, re-grade the site, and/or construct retaining walls, swales or window wells.

F. DETENTION POND

A stormwater detention pond is located within Phase 2 of the Lancaster Green subdivision in Lot 46 M.R. During a heavy rainfall, stormwater will surcharge into the pond, then drain into the sewer system after a short period of time. Children should be kept away from the pond during these events.

SCHEDULE "A"

Architectural Development Guidelines

INTRODUCTION

These architectural guidelines are intended to encourage building designs which enhance the natural and planned features of the subdivision. The controls set forth the development criteria which will establish and maintain the investment value and integrity of the area, and direct home buyers, contractors and designers towards appropriate elevations and treatments.

House plans will be reviewed in terms of their adherence to these guidelines.

1.0 HOUSE TYPE DEFINITION

<i>Bungalow:</i>	floor area contained on one level; contains no stair risers up from main level
<i>Raised Bungalow:</i>	floor area contained on one level; may have up to 7 exterior stair risers, but contains no interior stair risers up from main level
<i>Bi-Level:</i>	have an equal number of stair risers up and down
<i>Split-Level:</i>	contains at least two levels above grade which are separated by stair risers
<i>Two-Storey:</i>	contains a minimum of 14 stair risers between levels.

2.0 MINIMUM SIZE REQUIREMENTS

<i>Bungalow:</i>	-	1200 sq. ft. (111.5 m ²) above lot grade
<i>Raised Bungalow:</i>	-	1200 sq. ft. (111.5 m ²) above lot grade
<i>Bi-Level:</i>	-	1200 sq. ft. (111.5 m ²) above lot grade
<i>Split-Level:</i>	-	1200 sq. ft. (111.5 m ²) on two levels above grade
<i>Two-Storey:</i>	-	1600 sq. ft. (149 m ²) above grade; with a minimum main floor area of 1000 sq. ft. (92.9 m ²) and a minimum second floor area of 600 sq. ft. (55.74m ²)

In the purchase of a lot, as security for performance of and adherence to the Architectural Design Guidelines, the Optionee shall pay to the City the sum of \$1,000.00. Upon completion of construction as determined by the Inspections and Licensing Department, and upon receipt of confirmation from the independent Architectural Representative regarding compliance with the Architectural Development Guidelines, the City shall refund the said sum of \$1,000.00 to the Optionee or his assignee.

3.0 MATERIALS

The intent is to both provide variety on the street through the use of different materials, as well as establish and maintain the compatibility and investment value of the homes within Lancaster Green.

Exterior Finish:

All siding to be horizontal; vertical or diagonal treatment is not acceptable. Each house is limited to one siding material OR stucco, and must have one additional masonry finish as an accent. Area of masonry accent should be a minimum of 5% of the building face.

Masonry finishes and accents can be replaced with stucco build-outs, however, design, treatment and overall appearance of stucco build-outs will be subject to the discretion of the City's designated Architectural Representative.

Driveways:

Front driveways must be constructed of concrete, washed aggregate or pavers, and may have brick accent and edgings. Front driveways are mandatory.

Garages:

Double front attached garages are mandatory.

Roofing:

Acceptable roofing materials will be cedar shakes, clay tiles or architectural asphalt shingles. Metal shingles may be considered on a site-by-site basis. Standard asphalt shingles and IKO Skyline shingles are not permitted.

4.0 LANDSCAPING GRADES

The landscaped grade of a lot must always slope away from the house and be integrated into the subdivision system of drainage. Building permits will not be issued until the grade certificate issued by the Engineering Services Department with the foundation permit is returned to the Inspections & Licensing Department, confirming the "as-built" landscape grade elevations conform to those shown on the Building Grade Certificate. Purchasers must adhere to Section E of the preceding in the Residential Land Policies, Requirements and Procedure pertaining to landscape grades.

5.0 BUILDING PERMITS

The City will engage the services of an independent firm to administer architectural development standards for the area. Building plans will require a stamp of approval from the administering firm before they will be accepted for processing by the Inspections and Licensing Department. Minor variances in materials, finishes and design will be considered and ruled on by the independent **Architectural Representative**.

6.0 WALK-OUT BASEMENTS

Full walk-out basements are permitted only on Lots 4 to 19 in Block 15 and Lots 49 to 64 in Block 16. Two-Storey walk-out house types will not be permitted on Lots 49 to 54 in Block 16.

Transitional lots may be suitable for partial walk-outs (or bi-level walk-out basements). These include Lots 2 and 3 in Block 15 and Lots 47, 48, 65 and 66 in Block 16. Applicants are to confirm proposed lot corner elevations (rear and front) and recommended landscaping grades with the Engineering Services Department. Purchasers must conform to these elevations.

7.0 CORNER LOTS

Only bungalows will be permitted on corner lots; raised bungalows will not be permitted. Buildings on corner sites shall:

- ♦ carry the same exterior materials and colors around building corners on the exposed side elevation;
- ♦ have roof designs which are interesting to view from all streets, such as repeating dormers.

8.0 FENCING

The City of Red Deer will install, at its expense:

- a 5-foot chain link fence, equipped with one rear gate inside the rear property line of all lots that border onto Lot 46 M.R. (storm pond municipal reserve) and Lot 70 M.R. (linear park).
- 5-foot PVC rear fencing on Lots 1 to 7 in Block 15, adjacent to Lancaster Drive.

The maintenance of this fence will become the responsibility of the property owner, and a Restrictive Covenant will be placed on the title to each affected lot that will prohibit the removal or alteration of the structure in any manner. The applicant must protect

the fence during construction and repair any damages. The City may set off the cost of any repairs from the security deposit.

Any side yard fencing may only extend from the rear property line to the front of the house, and will not be permitted beyond the front of the house.

9.0 LANDSCAPING OF GREEN SPACES

Landscaping of green areas is anticipated to commence in August 2002, depending upon the extent of sales and development of lots along these areas.

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001
TO: Land and Economic Development Manager
FROM: City Clerk
RE: Lot Pricing and Architectural Standards
Lancaster Green Phase 2

Reference Report:

Land and Economic Development Manager dated May 29, 2001

Resolutions:

"Resolved that Council of the City of Red Deer, having considered the reports from the Land and Economic Development Manager dated May 29, 2001 and June 1, 2001, re: Lot Pricing and Architectural Standards, Lancaster Green – Phase 2, hereby:

1. Approves a base price of \$9.00 per square foot, plus adjustments for size, location, etc. and rounding to be approved by the City Manager.
2. Approves the Architectural Development Guidelines as presented to Council June 4, 2001.
3. Agrees to proceed with a lot draw pre-sale for Lancaster Green – Phase 2.
4. Agrees to maintain the existing prices for the remaining inventory in Lancaster Green and Meadows as at June 4, 2001.

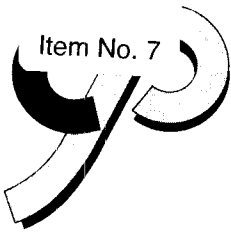
Report Back to Council: No

Comments/Further Action: No


Kelly Kloss
City Clerk

/chk
attchs.

c Director of Development Services
Director of Corporate Services
Inspections & Licensing Manager
City Assessor
City Planner



DATE: May 24, 2001

TO: KELLY KLOSS, CITY CLERK

FROM: TONY LINDHOUT, PLANNER

RE: PROPOSED NEIGHBOURHOOD AREA STRUCTURE PLAN AMENDMENT
DEER PARK NORTHEAST (DAVENPORT)
BYLAW AMENDMENT 3217/C-2001

Background

Al-Terra Engineering Ltd. on behalf of the developer Parkside Holdings Ltd. has requested a minor amendment to the existing Deer Park Northeast (Davenport) Neighbourhood Area Structure Plan. Proposed changes to the existing neighbourhood plan are summarized as follows.

- Revision of the proposed future land use designation of three tracts of undeveloped land in the southeast corner of this neighbourhood from R1 single family development to R1N single family narrow lot development. As the minimum frontage of R1N single family lots is 1.6 metres (5.3 ft.) narrower than R1 single family lots, smaller homes would be constructed in this area. No changes are proposed to any of the roadways or lanes.

No changes are proposed to the central park site or any of the existing developed areas of the Davenport neighbourhood.

This Neighbourhood Area Structure Plan (NASP) amendment has been processed in accordance with the City's ***Planning and Subdivision Guidelines***. Neighbourhood Area Structure Plans, when approved by City Council, form the basis for future zoning, subdivision and development decisions for the area. The proposed NASP amendment is supported by all referral agencies and City Departments and fully conforms to the following applicable City statutory and/or other planning documents:

- Municipal Development Plan
- Intermunicipal Development Plan
- Community Services Master Plan
- Draft revised East Hill Area Structure Plan

Neighbourhood Public Meeting

Following circulation of a community newsletter delivered door to door, a neighbourhood public meeting hosted by Parkland Community Planning Services was held May 16th, 2001. No community residents or members of the public attended the meeting, nor were any inquiries received. It would therefore appear that the community/public have no objections or concerns with the proposed ASP amendment.

City Clerk
Deer Park Northeast (Davenport) NASP Bylaw Amendment 3217/C-2001
Page 2

Planning Analysis

The proposed amendment to create additional R1N residential narrow lot development is a reflection of the current housing market conditions that favor this type of housing construction. The total proposed R1N housing in this neighbourhood amounts to only 9.5% of the total residential development proposed for the Davenport neighbourhood, well below the 33% maximum permitted under the City's Land Use Bylaw. A net increase of four additional residential dwelling units will leave the proposed neighbourhood density of 40.0 persons/ha virtually unchanged, remaining well within the maximum 45.0 persons/ha City design guideline. There was no community opposition to the proposed ASP amendment.

The City's Municipal Planning Commission at their meeting of May 22, 2001 recommended approval to City Council of the Deer Park Davenport Neighbourhood Area Structure Plan amendment.

Recommendation

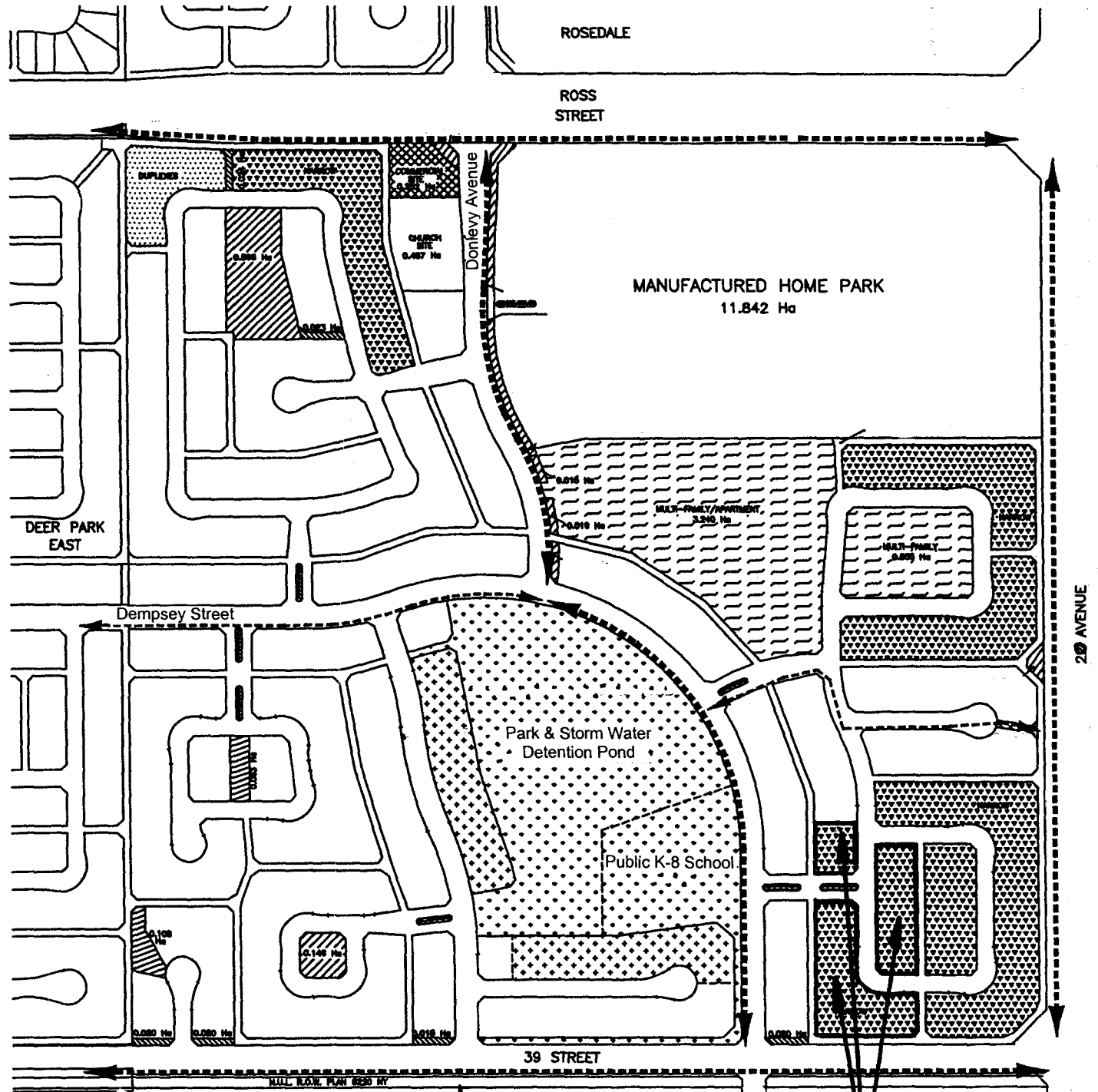
Planning staff recommends that City Council proceed with first reading of the Deer Park Northeast (Davenport) Neighbourhood Area Structure Plan Bylaw Amendment 3217/C-2001.



Tony J. Lindhout
PLANNER

Attachments

PROPOSED DAVENPORT NEIGHBOURHOOD AREA STRUCTURE PLAN



PROPOSED AMENDMENT:

- Change from R1 Single Family development to R1N Single Family Narrow Lot development

FIGURE 4

AL-TERRA
ENGINEERING LTD.

EDMONTON

RED DEER

DATE: May 22, 2001

TO: City Council

FROM: Municipal Planning Commission

RE: *Deer Park (Davenport) Neighbourhood Area Structure Plan*

At its meeting of May 22, 2001, the Municipal Planning Commission considered a proposed amendment to the Deer Park (Davenport) Neighbourhood Area Structure Plan re-designating future land use from R1 single family development to R1N single family narrow lot development.

The Municipal Planning Commission supported this proposed Amendment and the following resolution was passed.

“RESOLVED that the Municipal Planning Commission support and endorse the proposed Deer Park (Davenport) Ridge Neighbourhood Areas Structure Plan Amendment and recommends its approval to Red Deer City Council.”

Recommendation:

That Council consider Deer Park (Davenport) Neighbourhood Area Structure Plan Amendment.

Mayor Gail Surkan
Chair, Municipal Planning Commission

/fm

Comments:

I agree with the recommendations of the Planner. A Public Hearing could then be held Tuesday, July 3, 2001 at 7:00 p.m. in the Council Chambers, during Council's regular meeting.

"N. Van Wyk"
City Manager

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001

TO: T. Lindhout, Planner

FILE

FROM: City Clerk

Re: *Deer Park Northeast (Davenport)*

(1) *Proposed Neighbourhood Area Structure Plan Amendment 3217/C-2001*

(2) *Land Use Bylaw Amendment , 3156/X-2001*

Reference Report: Parkland Community Planning Services dated May 24, 2001

Bylaw Readings:

These bylaws were given first reading. Copies are attached for your information.

Report Back to Council:

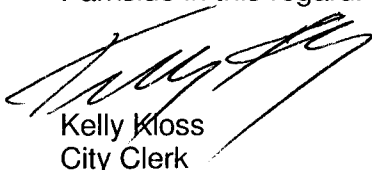
Yes. Public Hearings will be held Tuesday, July 3, 2001 at 7:00 p.m. in the Council Chambers during Council's regular meeting.

Comments/Further Action:

(1) Deer Park Davenport Neighbourhood Area Structure Plan Amendment 3217/C-2001 proposes to change the land use of three tracts of undeveloped land in the southeast corner of this neighbourhood from R1 single family development to R1N single family narrow lot development.

(2) Land Use Bylaw Amendment 3156/X-2001 proposes to develop Phase 8B of the Deer Park Davenport Neighbourhood and requires rezoning of approximately 1.12 ha (2.8 acres) of land from R1 Residential Low Density District to R1N Residential Narrow Lot District in order to permit the development of 27 single family narrow lots, resulting in a net increase of 4 residential lots over the current R1 zoning. This rezoning request is being processed simultaneously with the amendment to the Deer Park Davenport Neighbourhood Area Structure Plan.

This office will now proceed with the advertising for the Public Hearings. Parkside Holdings Ltd. will be responsible for the advertising costs in this instance. I have attached a copy of the letter forwarded to Parkside in this regard.



Kelly Kloss
City Clerk

/chk
attchs.

c Director of Corporate Services
 Director of Development Services
 Inspections & Licensing Manager
 Land & Economic Development Manager
 Inspections & Licensing Manager
 C. Adams, Administrative Assistant
 C. Kenzie, Clerk Steno, City Clerk's Office

BYLAW NO. 3217/C-2001

Being a Bylaw to amend Bylaw No. 3217/98, the Bylaw adopting The City of Red Deer Neighbourhood Area Structure Plans.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 Bylaw 3217/98 with regard to the Deer Park Northeast (Ratzke/Davenport) Neighbourhood Area Structure Plan, is amended by deleting therefrom Figure 4 and pages 12 and 13 and substituting therefore the attached amended Figure 4 and pages 12 and 13 which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this **4TH** day of **June** , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

MAYOR

CITY CLERK

DAVENPORT AREA STRUCTURE PLAN

ROSEDALE

ROSS STREET

MANUFACTURED HOME PARK
11.842 Ha

DEER PARK EAST

DEMPSEY STREET

CENTRAL PARK AND STORM DETENTION POND
TOTAL AREA=5.743 Ha
CENTRAL PARK AREA=5.073 Ha
PUBLIC UTILITY LOT AREA=0.670 Ha

PUBLIC K-8 SCHOOL SITE
1.257 Ha

39 STREET

DEVONSHIRE

FUTURE 22 AVENUE

FIGURE 4 DEVELOPMENT CONCEPT

SCALE 1:5000

REVISED SEPT 22/98
REVISED JAN 21/00
REVISED MAR 30/00
REVISED APR 20/00
REVISED MAY 30/00
REVISED JULY 7/00
REVISED MAY 25/01

- LEGEND:
- SINGLE FAMILY - DETACHED (R1)
 - SINGLE FAMILY - NARROW (R1-N)
 - SEMI-DETACHED (DUPLEXES) (R1-A)
 - MULTI-FAMILY (R2/R3)
 - TWO STOREY WALKOUT BASEMENTS (R1)
 - CENTRAL PARK
 - COMMERCIAL
 - PUBLIC UTILITY LOTS
 - WALKWAYS AND LOCAL PARKS
 - MAJOR WALKWAYS AND BIKE PATHS
 - MINOR WALKWAYS AND BIKE PATHS

AL-TERRA
ENGINEERING LTD.

EDMONTON

RED DEER

5.3 Land Use Distribution:

Table 1 illustrates the land use distribution for the outline plan area.

TABLE 1. OUTLINE PLAN STATISTICS:

TOTAL AREA OF ORIGINAL ¼ SECTION	65.026 Ha	160.68 Ac	
Ross Street and 20th Avenue Widening	4.031 Ha	9.96 Ac	
DEVELOPABLE AREA	60.995 Ha	150.72 Ac	100%
Single Family (R1)	19.149 Ha	47.32 Ac	31.4%
Manufactured Home Park (R4)	11.842 Ha	29.26 Ac	19.4%
Multiple Family (R2/R3)	3.939 Ha	9.73 Ac	6.5%
Duplex Lots (R1-A)	0.488 Ha	1.21 Ac	0.8%
Neighborhood Commercial (C3)	0.252 Ha	0.62 Ac	0.4%
Single Family - Narrow (R1-N)	5.744 Ha	14.27 Ac	9.5%
Social Care Sites (R1-A)	0.124 Ha	0.31 Ac	0.2%
Church Site (R1)	0.487 Ha	1.20 Ac	0.8%
Central Park (P1)	5.073 Ha	12.54 Ac	8.3%
Detention Pond	0.670 Ha	1.65 Ac	1.1%
Local Parks and Walkways (P1)	1.229 Ha	3.04 Ac	2.0%
Public Utility Lots (PS)	0.304 Ha	0.75 Ac	0.5%
Roads	11.664 Ha	28.82 Ac	19.1%
Collector	3.273 Ha	8.09 Ac	
Residential	5.849 Ha	14.45 Ac	
Lanes	2.542 Ha	6.28 Ac	

The total municipal reserve area, including the central park site, and excluding the main detention pond area is approximately 6.302 hectares (15.57 acres). This represents some 10.33% of the developable land area. As addressed in Section 5.2.1, there will also be a significant amount of landscaped area within the manufactured home park.

5.3 Land Use Distribution: (continued)

We believe the land use distribution, as proposed, illustrates a well balanced development, with sufficient narrow, duplex and multifamily area (16.72 percent of the developable land area) to create some density, for the quarter section. Meanwhile the single family component is 31.4 percent of the developable land area. Actual lot sizes and land uses will determine final densities. An approximate dwelling unit and population density for the quarter section is as follows:

Residential Uses:

ITEM	No. of Units	Persons/Unit	Population	Population Density
Single Family	345 - 365	3.4	1173 - 1241	61 - 65/Ha
Duplex	10	3.3	33	68/Ha
Multi Family	139 - 177	2.8	389 - 496	101 - 128/Ha
Manufactured Home	172	1.7	292	25/Ha
Narrow	114	3.3	376	65/Ha
Total Site	780 - 838	-----	2263 - 2438	37 - 40/Ha

The outline plan also provides for the following required facilities and alternative usage sites:

- * Social Care Site: 0.124 Hectares (single family)
- * Church Site: 0.487 Hectares (single family)

6.0 TRANSPORTATION:

6.1 Transportation Circulation Pattern

The traffic circulation pattern proposed in the outline plan conforms to the East Hill Area Structure Plan. At some point in the future, there will be two arterial roadways adjacent to the quarter section:

- * Ross Street along the northern boundary of the quarter section. The east half of this arterial roadway is constructed.

BYLAW NO. 3156/X-2001

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map L8" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 18 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this **4TH** day of **JUNE** , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

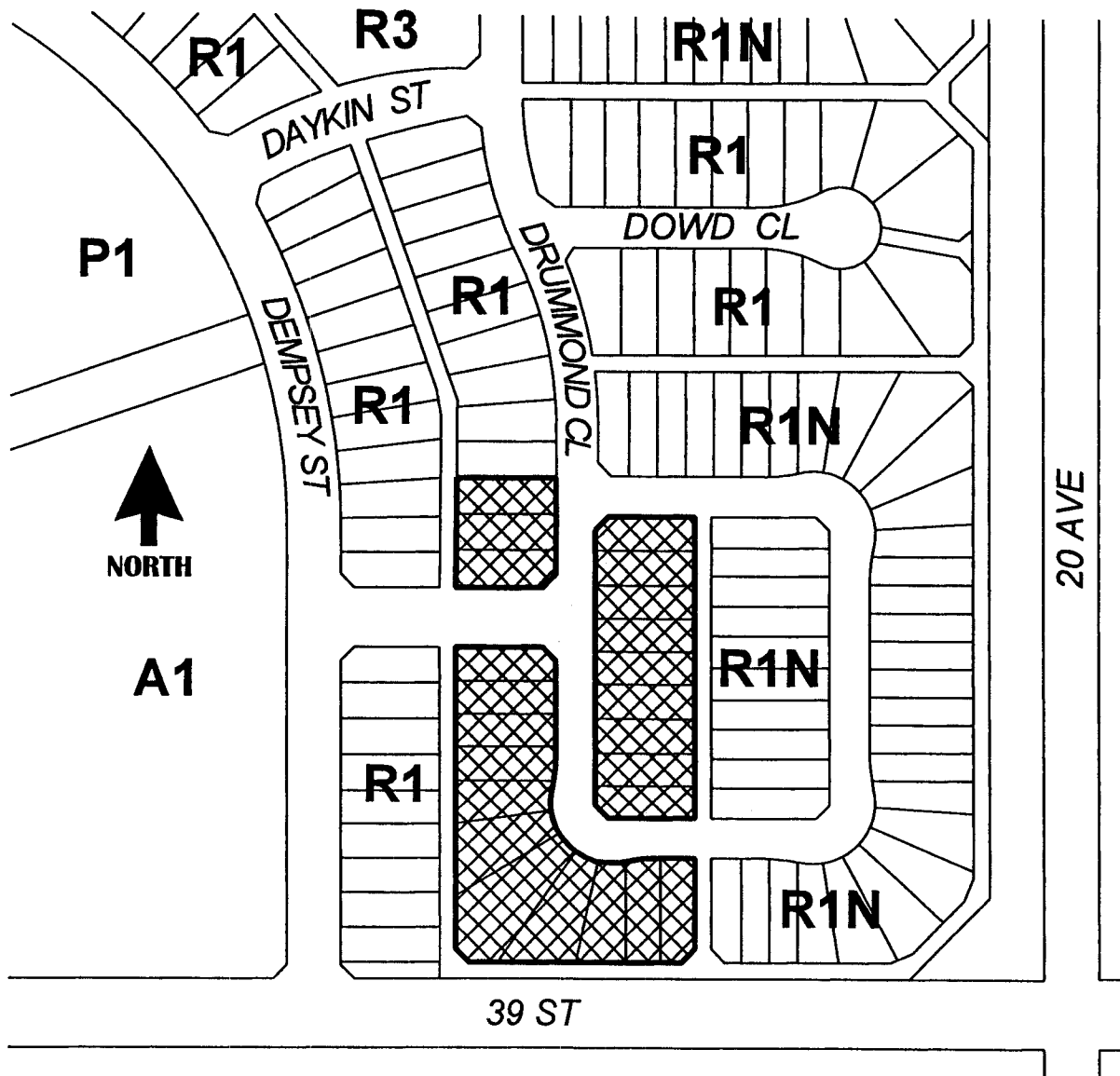
AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

MAYOR

CITY CLERK

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



AFFECTED DISTRICTS:

R1 - Residential (Low Density)

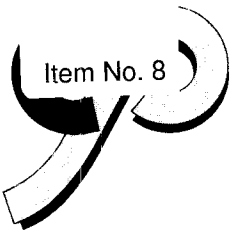
R1N - Residential (Narrow Lot)

Change from:

R1 to R1N 

MAP No. 18 / 2001

BYLAW No. 3156 / X - 2001



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca

DATE: May 24, 2001
TO: Kelly Kloss, City Clerk
RE: Land Use Bylaw Amendment 3156/X-2001
Deer Park (Davenport) Neighbourhood

Parkside Holdings Ltd. is proposing to develop Phase 8b of their Deer Park Davenport neighbourhood and require rezoning of a portion of the lands contained within this phase of their development. The proposal is to redesignate ± 1.12 ha (2.8 acres) of land from R1 Residential Low Density District to R1N Residential Narrow Lot District in order to permit the development of 27 single family narrow lots, resulting in a net increase of 4 residential lots over the current R1 zoning. The site is undeveloped, requires no changes to any of the roads or lanes, has lane access and meets all applicable Land Use Bylaw guidelines respecting residential narrow lot developments.

This rezoning request is being processed simultaneously with an amendment to the Deer Park Davenport Neighbourhood Area Structure Plan wherein the subject lands are proposed for future single family narrow lot development. The proposed Land Use Bylaw amendment thereby complies with the Deer Park Davenport Neighbourhood Area Structure Plan amendment.

Recommendation

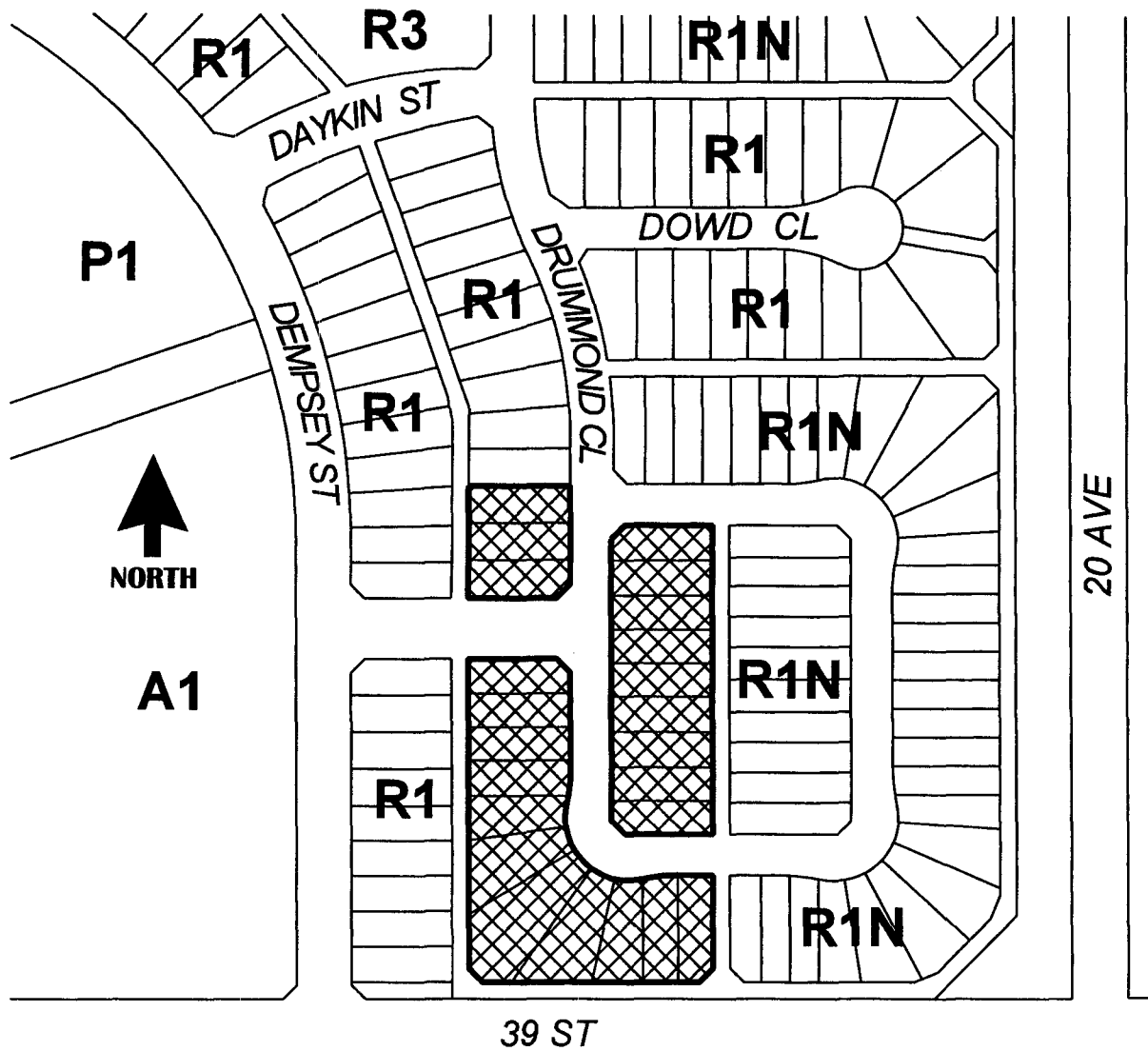
Subject to City Council giving first reading to Bylaw 3217/C-2001 (Deer Park Davenport Area Structure Plan Amendment), planning staff recommend that City Council proceed with first reading of Land Use Bylaw Amendment 3156/X-2001.

Tony J. Lindhout, ACP, MCIP
PLANNER

Attachments

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



AFFECTED DISTRICTS:

R1 - Residential (Low Density)

R1N - Residential (Narrow Lot)

Change from:

R1 to R1N 

MAP No. 18 / 2001

BYLAW No. 3156 / X - 2001

Comments:

I agree with the recommendations of the Planner. A Public Hearing could then be held Tuesday, July 3, 2001 at 7:00 p.m. in the Council Chambers, during Council's regular meeting.

"N. Van Wyk"
City Manager



Box 5008
Red Deer, Alberta
T4N 3T4

The City of Red Deer

Office of the City Clerk

June 5, 2001

FILE

Mr. John Ratzke
Parkside Holdings Ltd.
18, 7895 - 49 Avenue
Red Deer, AB T4P 2B4

Fax: 342-5022

Dear Sir:

Re:

- (a) **Deer Park Northeast (Davenport) Neighbourhood Area Structure Plan Amendment 3217/C-2001 / Parkside Holdings Ltd.**
- (b) **Land Use Bylaw Amendment 3156/X-2001 / Deer Park (Davenport) Neighbourhood**

At the City of Red Deer's Council meeting held Monday, June 4, 2001, first reading was given to the above noted bylaws.

Bylaw No. 3217/C-2001 provides for amendments to the Deer Park Northeast (Davenport) Neighbourhood Area Structure Plan to provide for a revision of proposed future land use designation of three tracts of undeveloped land in the southeast corner of this neighbourhood from R1 single family development to R1N single family narrow lot development. As the minimum frontage of R1N single family lots is 1.6 metres (5.3 ft.) narrower than R1 single family lots, smaller homes would be constructed in this area. No changes are proposed to any of the roadways or lanes, or to the central park site or any of the existing developed areas of the Davenport Neighbourhood.

Land Use Bylaw Amendment 3156/X-2001 is being processed simultaneously with an amendment to the Deer Park Northeast (Davenport) Neighbourhood Area Structure Plan. This amendment provides for the rezoning of ± 1.12 ha (2.8 acres) of land from R1 Residential Low Density District to R1N Residential Narrow Lot District in order to permit the development of 27 single family narrow lots, resulting in a net increase of 4 residential lots over the current R1 zoning. The site is undeveloped, requires no changes to any of the roads or lanes, has lane access and meets all applicable Land Use Bylaw guidelines respecting residential narrow lot developments.

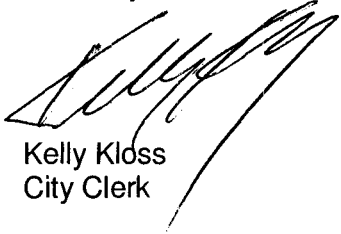
This office will now proceed with the advertising for the Public Hearings for these bylaws to be held Tuesday, July 3, 2001 at 7:00 p.m. during Council's regular meeting. *One ad will be prepared incorporating both bylaw amendments.*

You are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400. We require this deposit by no later than 10:00 a.m., Wednesday, June 13, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

Parkside Holdings Ltd.
June 5, 2001
Page 2

If you have any questions, or require additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over a horizontal line.

Kelly Kloss
City Clerk

/chk
attach.

c Land & Economic Development Manager
 Parkland Community Planning Services
 C. Adams, Administrative Assistant
 C. Kenzie, Clerk Steno, City Clerk's Office

BYLAW NO. 3156/X-2001

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map L8" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 18 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 4TH day of JUNE , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

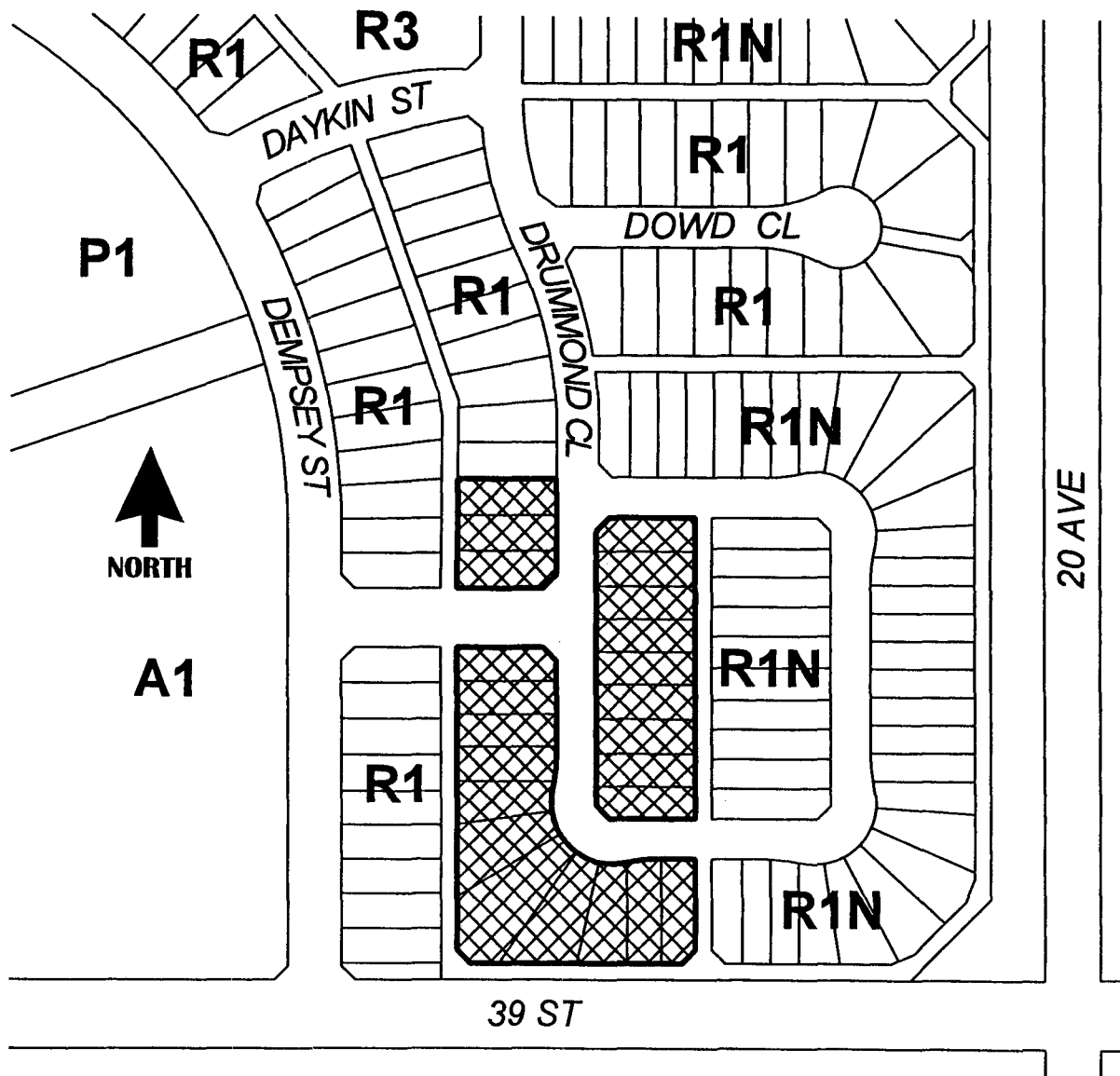
AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

MAYOR

CITY CLERK

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



AFFECTED DISTRICTS:

R1 - Residential (Low Density)

R1N - Residential (Narrow Lot)

Change from:

R1 to R1N 

MAP No. 18 / 2001

BYLAW No. 3156 / X - 2001

BYLAW NO. 3217/C-2001

Being a Bylaw to amend Bylaw No. 3217/98, the Bylaw adopting The City of Red Deer Neighbourhood Area Structure Plans.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 Bylaw 3217/98 with regard to the Deer Park Northeast (Ratzke/Davenport) Neighbourhood Area Structure Plan, is amended by deleting therefrom Figure 4 and pages 12 and 13 and substituting therefore the attached amended Figure 4 and pages 12 and 13 which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this **4TH** day of **June**, A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

MAYOR

CITY CLERK

DAVENPORT AREA STRUCTURE PLAN

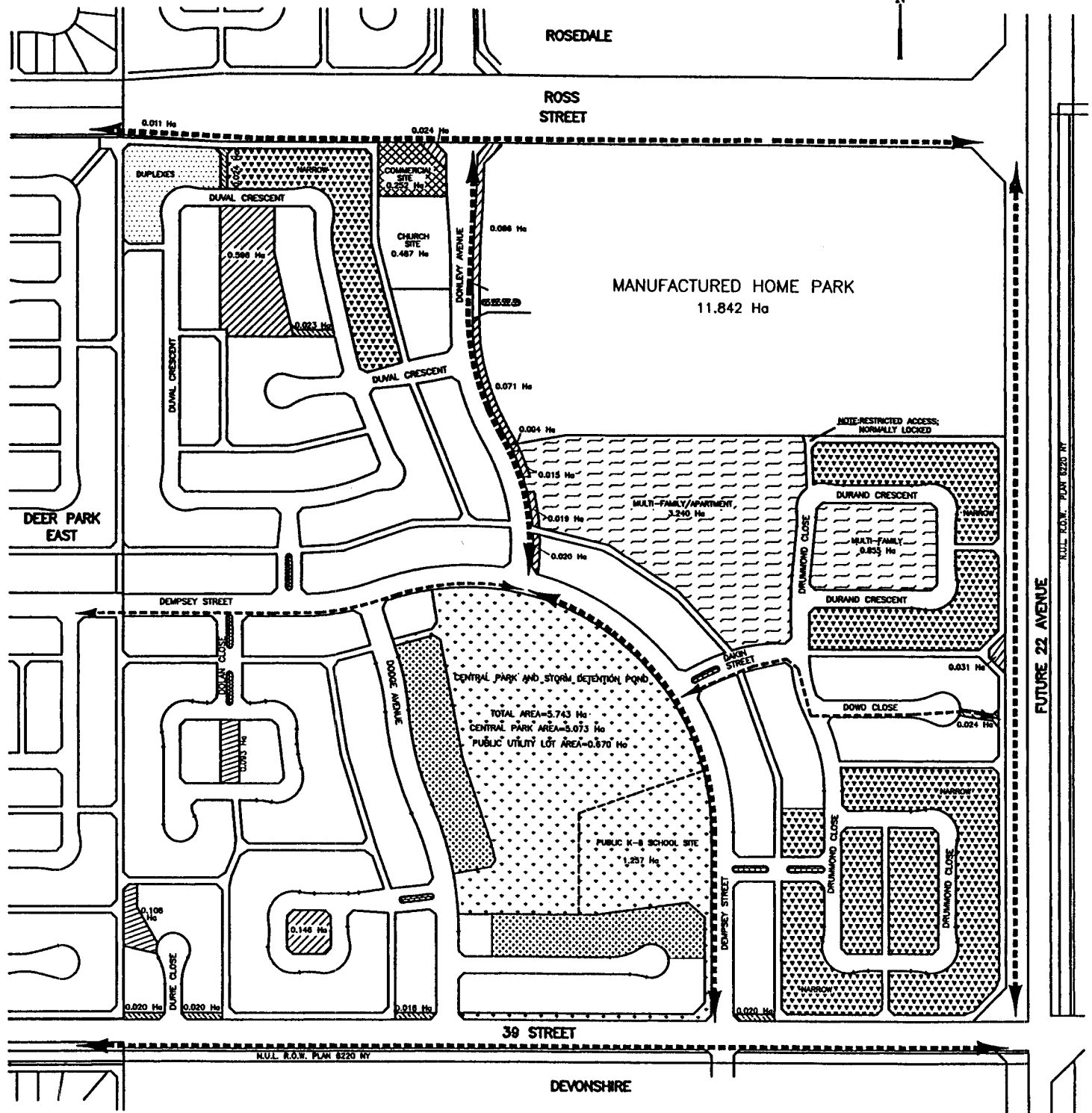


FIGURE 4
DEVELOPMENT CONCEPT

SCALE 1:5000

REVISED SEPT 22/98
REVISED JAN 21/00
REVISED MAR 30/00
REVISED APR 20/00
REVISED MAY 30/00
REVISED JULY 7/00
REVISED MAY 25/01

- LEGEND:
- SINGLE FAMILY - DETACHED (R1)
 - SINGLE FAMILY - NARROW (R1-N)
 - SEMI-DETACHED (DUPLICES) (R1-A)
 - MULTI-FAMILY (R2/R3)
 - TWO STOREY WALKOUT BASEMENTS (R1)
 - CENTRAL PARK
 - COMMERCIAL
 - PUBLIC UTILITY LOTS
 - WALKWAYS AND LOCAL PARKS
 - MAJOR WALKWAYS AND BIKE PATHS
 - MINOR WALKWAYS AND BIKE PATHS

AL-TERRA
ENGINEERING LTD.

EDMONTON

RED DEER

5.3 Land Use Distribution:

Table 1 illustrates the land use distribution for the outline plan area.

TABLE 1. OUTLINE PLAN STATISTICS:

TOTAL AREA OF ORIGINAL ¼ SECTION	65.026 Ha	160.68 Ac	
Ross Street and 20th Avenue Widening	4.031 Ha	9.96 Ac	
DEVELOPABLE AREA	60.995 Ha	150.72 Ac	100%
Single Family (R1)	19.149 Ha	47.32 Ac	31.4%
Manufactured Home Park (R4)	11.842 Ha	29.26 Ac	19.4%
Multiple Family (R2/R3)	3.939 Ha	9.73 Ac	6.5%
Duplex Lots (R1-A)	0.488 Ha	1.21 Ac	0.8%
Neighborhood Commercial (C3)	0.252 Ha	0.62 Ac	0.4%
Single Family - Narrow (R1-N)	5.744 Ha	14.27 Ac	9.5%
Social Care Sites (R1-A)	0.124 Ha	0.31 Ac	0.2%
Church Site (R1)	0.487 Ha	1.20 Ac	0.8%
Central Park (P1)	5.073 Ha	12.54 Ac	8.3%
Detention Pond	0.670 Ha	1.65 Ac	1.1%
Local Parks and Walkways (P1)	1.229 Ha	3.04 Ac	2.0%
Public Utility Lots (PS)	0.304 Ha	0.75 Ac	0.5%
Roads	11.664 Ha	28.82 Ac	19.1%
Collector	3.273 Ha	8.09 Ac	
Residential	5.849 Ha	14.45 Ac	
Lanes	2.542 Ha	6.28 Ac	

The total municipal reserve area, including the central park site, and excluding the main detention pond area is approximately 6.302 hectares (15.57 acres). This represents some 10.33% of the developable land area. As addressed in Section 5.2.1, there will also be a significant amount of landscaped area within the manufactured home park.

5.3 Land Use Distribution: (continued)

We believe the land use distribution, as proposed, illustrates a well balanced development, with sufficient narrow, duplex and multifamily area (16.72 percent of the developable land area) to create some density, for the quarter section. Meanwhile the single family component is 31.4 percent of the developable land area. Actual lot sizes and land uses will determine final densities. An approximate dwelling unit and population density for the quarter section is as follows:

Residential Uses:

ITEM	No. of Units	Persons/Unit	Population	Population Density
Single Family	345 - 365	3.4	1173 - 1241	61 - 65/Ha
Duplex	10	3.3	33	68/Ha
Multi Family	139 - 177	2.8	389 - 496	101 - 128/Ha
Manufactured Home	172	1.7	292	25/Ha
Narrow	114	3.3	376	65/Ha
Total Site	780 - 838	----	2263 - 2438	37 - 40/Ha

The outline plan also provides for the following required facilities and alternative usage sites:

- * Social Care Site: 0.124 Hectares (single family)
- * Church Site: 0.487 Hectares (single family)

6.0 TRANSPORTATION:

6.1 Transportation Circulation Pattern

The traffic circulation pattern proposed in the outline plan conforms to the East Hill Area Structure Plan. At some point in the future, there will be two arterial roadways adjacent to the quarter section:

- * Ross Street along the northern boundary of the quarter section. The east half of this arterial roadway is constructed.

DATE: May 24, 2001

TO: City Clerk

FROM: Harry Ng, Chairman, Environmental Advisory Board

RE: Smoking in Indoor Public Places

The Environmental Advisory Board has been considering the issue of second hand smoking in indoor public places for the past fourteen months. After extensive discussion and consultation, the Board reached a resolution at their meeting of May 23, 2001.

In reaching the resolution, the Board considered the contents/results of:

- Stakeholders Forum – March 14, 2000
- Public Forum - May 3, 2000
- Red Deer Chamber of Commerce letters of opposition to a smoking ban – June 13, 2000, September 1, 2000 and April 24, 2001 (attached)
- Two letters in opposition to smoking ban (attached)
- Forty-six letters in support of a smoking ban (attached)
- A household survey conducted by The City of Red Deer in partnership with the David Thompson Health Region of 340 residents in the city of Red Deer plus an additional 359 residents within the David Thompson Health Region (summary attached).
- Bylaws and processes in other Canadian municipalities who engaged smoking bylaws
- Public and business education on the issue of second hand smoke in public places

The Red Deer Chamber of Commerce has clearly indicated their opposition to such a bylaw primarily for reasons of lifestyle/personal choice, preference for voluntary compliance measures, preference for province wide provincial legislation, concern for economic impact on business, enforcement issues and possible legal implications (see attached letters).

The recommendations from the Environmental Advisory Board were formulated after considering a number of options including:

- Take no action
- Draft a bylaw to ban smoking in all enclosed indoor public places
- Draft a bylaw to ban smoking in all indoor places that are accessible to the public where minors are permitted
- Encourage the Chamber of Commerce and local businesses to engage voluntary compliance measures relative to indoor smoking
- Support a resolution being forwarded to AUMA requesting the province to initiate legislation regarding restrictions on smoking in indoor public places
- Suggest to City Council that a plebiscite may be an option if further public consultation is desirable.

City Clerk
Smoking Ban
May 24, 2001
Page 2

The Environmental Advisory Board passed the following resolution:

"That the Environmental Advisory Board recommend that Council of the City of Red Deer draft a bylaw to ban smoking in all indoor places accessible to the public where minors are permitted. It is further recommended that Red Deer City and County Councils support a resolution to the Alberta Urban Municipalities Association and the Alberta Association of Municipal Districts and Counties respectively, requesting that the province initiate legislation regarding restrictions on smoking in indoor public places."

A handwritten signature in black ink, appearing to read "H. Ng", with a horizontal line drawn underneath it.

Harry Ng, Chairman
Environmental Advisory Board

;jb

Attachments:

1. Three letters from the Red Deer Chamber of Commerce
2. Two letters in opposition of smoking ban
3. Forty-six letters in support of smoking ban
4. Summary of key questions
5. Executive summary survey results
6. AUMA draft resolution



RED DEER CHAMBER
of COMMERCE

"in business for business"

3017 Gaetz Ave., Red Deer, AB, Canada T4N 5Y6

Phone 403.347.4491 • Fax 403.343.6188

E-Mail: rdchamber@cnnnet.com

June 13, 2000

Glen Moore
Environment Committee
City of Red Deer
Box 5008
4914 - 48th Avenue
Red Deer, AB T4N 3T4

Dear Glen

The Red Deer Chamber of Commerce has been monitoring the public input process regarding smoke-free areas as undertaken by the City's Environment Committee. We appreciate the updates you have provided to the Chamber's Executive Committee and Board.

As we conveyed to you during our meetings, the Chamber is philosophically opposed to the imposition of further regulation of business facilities. This particularly applies where other less invasive programs could accomplish similar ends.

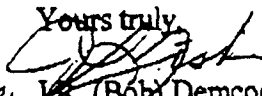
With this in mind, the Chamber encourages your Committee to recommend that City Council not regulate smoke-free public areas. Rather, Council should encourage a voluntary compliance program like that which has resulted in the many smoke-free workplaces and non-smoking areas in restaurants and lounges.

This market-driven approach has been largely the result of education, market demand, and business responsiveness and has proven itself successful.

The Chamber encourages you to survey the business community with respect to workplace smoking trends, as well as perspectives regarding market-driven vs. regulated smoke-free business premises. To this end, we are willing to review survey drafts and establish focus groups to test the survey.

Should the Committee recommend the regulation of smoke-free business premises to City Council, the Chamber respectfully requests that it be advised. We would wish to take an active role in such by-law development.

Yours truly,


for: Mr. (Bob) Demcoe, PEng, CAS
President, 1999-2000

cc Gail D. Surkan, Mayor
City Councilors
Norbert Van Wyk, City Manager



RED DEER CHAMBER
of COMMERCE

63

September 1, 2000

business for business

Gaetz Ave., Red Deer, AB, Canada T4N 5Y6

Phone 403.347.4491 • Fax 403.343.6188

E-Mail: rdchamber@canet.com

Glen Moore

Environment Committee, City of Red Deer

Box 5008, 4914 - 48th Avenue

Red Deer, AB T4N 3T4

Dear Glen:

Thank you for calling to discuss the Draft Survey - Smoking in the David Thompson Health Region. The Chamber of Commerce is sensitive to the health issues associated with smoking. In fact, hospitality businesses have voluntarily acknowledged public sentiment by reducing smoking areas and increasing non-smoking areas. Numerous venues have become completely non-smoking in recognition of market demand.

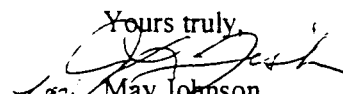
The proposed David Thompson Health Region survey appears to be well designed to achieve answers that will support an anti-smoking campaign. We caution against relying on the findings which relate to "the organizations and individuals which should be responsible for protecting and enforcing non-smoking restrictions" (i.e. page 6 of the survey). They appear to assume that restriction through regulation is a foregone conclusion. Further, the Chamber views public smoking as social and health issue. Matters like this are generally enforced through publicly funded and manned policing. The financial and operational burden of administering or enforcing a social policy should not be shifted to private business.

There are other issues which should be addressed in the survey.

- It should address matters of choice.
 - The public should be given the option to choose a smoking establishment over a non-smoking establishment if that is their preference and the product is legal.
- Business's voluntary responsiveness to market demand for non-smoking areas should be gathered as part of a responsible decision-making process. A voluntary shift to greater non-smoking areas has occurred. Market trends have caused businesses to modify their establishments and as the non-smoking population grows, so will the number of non-smoking establishments.
- Options other than non-smoking regulation should be cited:
 - An educational campaign which encourages non-smoking may have a much broader impact on protecting children as it may cause parents to quit smoking in homes as well as public areas. Regulation of public areas will shift the places in which smokers smoke. It will not change the number of smokers.
 - Signage outside establishments which allow smoking would enable the public to choose.

Finally, the Chamber believes that an even playing field must be maintained. Should a recommendation for non-smoking in public places be made by the David Thompson Health Region, the recommendation should be transferred to the provincial or national level. This will ensure that local businesses are not unfairly burdened.

Yours truly,


May Johnson
President, 2000-01

cc. Dr. Rudy Zimmer
David Thompson Health Region

SEP 07 2000

THE CHAMBER OF COMMERCE



RED DEER CHAMBER
of COMMERCE

"in business for business"

3017 Gaetz Ave., Red Deer, AB, Canada T4N 5Y6

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E-Mail: rdchamber@reddeerchamber.com

www.reddeerchamber.com

April 24, 2001

Mayor Gail Surkan
City of Red Deer
Box 5008
4914 – 48th Avenue
Red Deer, AB T4N 3T4

Dear Gail:

Re: Proposed Ban on Smoking in Public Places

The Red Deer Chamber of Commerce represents the voice of our business community and in doing so, it is our duty to act on behalf of the many business owners within our membership and the business community at large regarding this matter.

We acknowledge that any type of non-smoking-by-law will be contentious and complicated, and encourage you to consider and seriously weigh all opinions and impacts.

Legal Substance

The Chamber acknowledges the fact that for many Canadians, smoking is not a desirable habit. It is, however, of utmost importance to remember that smoking is a lifestyle choice and involves a product which is not a banned substance. If society and government truly want to ban smoking, they would designate nicotine a Hazardous Substance and ban cigarettes, cigars, and pipes from being sold.

Personal Choice

The Chamber is concerned about the limitation of personal choice should a non-smoking by-law be enacted. The Hospitality Industry in Canada is an important industry. Operating in a free market economy, which is the basis for our exceptionally strong Canadian economy, is very likely the best method to respond to the smoking issue.

"No Smoking" establishments already exist and the customer already has a choice to patronize those establishments or to go elsewhere. Area residents, visitors and business people are educated, active consumers who will show their support - or non-support - by spending - or not spending - their hospitality dollars. The David Thompson Health Region is undertaking a project to develop stickers for the doors of non-smoking establishments and the Chamber is assisting in this program. We view

this type of recognition program as far more effective than penalty-based legislation. In fact, there may be opportunities to extend this type of thinking to collaborative advertising of non-smoking establishments or other similar means of promoting smoke-free behaviour.

Uniform Provincial Legislation

The Red Deer Chamber of Commerce believes that unless a uniform non-smoking bylaw is implemented PROVINCE WIDE, businesses in Red Deer will suffer loss of business and real dollars to municipalities outside the regulated area. This includes Red Deer County, especially Gasoline Alley, and the Blackfalds areas. We are opposed to regulation that will discriminate against our hospitality businesses and place them at a significant disadvantage.

Smoke free legislation will have a dramatic impact on business success and that will be penalty enough. The Hospitality Industry within the City of Red Deer will be dramatically affected if a non-smoking bylaw is adopted. Statistics gathered from other cities and communities that have implemented a similarly restrictive bylaw strongly indicate that this vibrant sector of our economy would suffer a substantial economic impact.

In Ontario, municipal regulation has occurred with the following results:

Kitchener-Waterloo

- Hospitality establishments have reported an average sales decline of 15.9% resulting in cut backs to staff to 31 hours a week. Staff also report an approximate 25% decline in gratuities.
- A number of the stakeholders in Kitchener-Waterloo are suing the City of Kitchener-Waterloo on account of this non-smoking ban.
- Charities and Community Groups lost approximately \$500,000 over the first year of implementation due to net losses from Bingo Halls.

Toronto

The 1997 smoking ban in Toronto had a similarly devastating effect to their vibrant hospitality industry. Over the first few months:

- The Hilton Hotel reported losses of \$20,000 in sales.
- The Royal York Hotel lost \$50,000 in sales.
- Joe Badali's Italian Restaurant experienced a 25% decline in sales.

In British Columbia, a province-wide ban was implemented through Workers Compensation Board between January 2000 and March 2000 with the following results:

- Liquor sales dropped by 11% in Jan/Feb 2000 compared to Jan/Feb 1999
- Draft beer sales dropped 13% in Jan/Feb 2000 compared to Jan/Feb 1999

- These declines represent sales losses of approximately \$3 Million in less than 3 months.
- Businesses reported sales declines ranging between 15 - 85%.
- 706 layoffs were reported to the Coalition of Hospitality Organizations as of March 15th, 2000
- The courts struck down the BC ban on March 22, 2000.

It is fair to surmise that similarly negative effects would occur to our Hospitality Industry within the City of Red Deer should City Council enact a non-smoking bylaw.

Enforcement

Legislation of any kind must be accompanied by enforcement. If by-laws are written at either the provincial or local levels, the Chamber believes that the onus for compliance and penalty for non-compliance must remain with the smoker. Businesses must not be put in the position of having to police the smoking situation rather than risk penalties themselves.

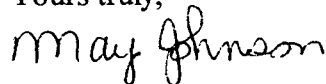
Legal Implications

Implementing a complete ban on smoking is unfair to the Hospitality Industry in Red Deer. Similar bylaws in other communities have proven to be unworkable, aggravating and enacting one may open our City to lawsuits.

Summary

The Red Deer Chamber of Commerce applauds the efforts of Council to improve its residents' health and well being. However, as well intentioned as a non-smoking bylaw may be, the Red Deer Chamber of Commerce believes that legislating such a bylaw is dictating lifestyle choice and will result in dramatic economic losses to the Hospitality Industry in our community.

Yours truly,



May Johnson
President 2000-01

- c. City Council
Don Batchelor, Recreation, Parks & Culture Manager
City of Red Deer Environmental Advisory Board
Red Deer County

Glenn Moore
Environment Committee

June 6, 2000

I agree that this would be a better world without smoke, and this smoke-free concept may best be served by the advocates stopping the government from allowing the sale of tobacco, or to make the smoking of tobacco illegal in Canada. To ask a small minority, the hospitality industry, to police a bylaw that has little effect on the number of people that smoke, or will stop smoking from the result of this by-law, is unfair in a free country.

It is very difficult for me to respond to the comments of the meeting of May 3/00 when the one sided view of the panel gave tainted, slanted, and in my opinion often misleading comments relating to the economic impact.

1) If cigarette smoke is in the same classification as asbestos and 52%-56% of high school children are living in this environment 10-16 hours a day, why is the focus not to remove these children immediately from this dangerous situation?

2) Was there anyone on the panel or members of the general public at large who spoke in favor of the proposed by-law, who have any financial risk from the results of this by-law? (I know this is a health risk).

3) The economic impact studies that are used (are there other studies with conflicting results that are not used), indicate that there is no negative impact on restaurant sales, yet the opposition to this by-law (from an economic point of view), seems to be the very industry that, according to your panel, would benefit the most: eg: if sales stay the same; there is a cost saving in a non-smoking environment (cost of ashtray, labor cost of cleaning and changing ashtrays, burns to tables, chairs, carpets etc). Do you think business owners in this industry would oppose a by-law that is going to produce not only health benefits but financial gain?

4) It was stated by someone on the panel that there had been no sales loss in Lethbridge restaurants since the by-law went into effect. Earls and the Keg restaurants both indicated this was not the case, that sales had decreased. I did not have the figures at the time but as of March 19/00 our sales are down by 18.6% and our profits are down for the same period by 52.2%.

5) There are 17 journal articles listed under "THE ECONOMIC IMPACT OF SMOKE-FREE RESTAURANT BYLAWS" of which 14 are credited to American Medical Journal or Public Health groups. When did the medical profession become so involved and knowledgeable about economic studies for restaurants? Should restaurateurs make the decision on medical funding?

6) There are 102 business listed in your Red Deer Smoke Free Business Registry that have become smoke free without legislation. Why would you not think this trend will continue and the majority of businesses will become smoke free by their own choice? The manager of Parkland Mall indicated that the mall would soon become smoke free.

This future by-law is about motherhood and apple pie under the guise of protecting children in public but not in their smoke filled environment at home . If we must deal with this concept ,then we should develop as level a playing field as possible.

Is there a smoke removal system that is acceptable?

Can a restaurant be both non- smoking and smoking if constructed or renovated in the proper manner?

What is the proper manner?

What is the correct construction method to separate a bar/lounge from a non-smoking restaurant?

Once the physical rules are established, how much time will a hospitality operator be given to make the nessessary renovations to his existing operation? Three years would seem reasonable.

Can a club/restaurant be non-smoking until 8:00 p.m. and then be a smoking establishment until closing?

Personally I find this whole concept difficult to comprehend because it seems to me if we don't put all our efforts into saving the planet, this present concern will be irrevelent.



Bill Olafson
Earls Restaurant

ALL SEASONS BINGO ASSOCIATION

5239 53 AVENUE, RED DEER, ALBERTA, T4N 5K1

RED DEER ENVIRONMENTAL ADVISORY BOARD
 c/o Red Deer City Hall
 4914 - 48 Street
 Red Deer, Alberta, T4N 3T4

RE: PROPOSED SMOKE FREE BYLAW

All Seasons Bingo Association operates the Cannery Row Bingo Hall. Bingos held at the Hall represent charity based fund raising for the Association's fifty-seven member groups. These include ten (10) schools; six (6) youth groups; twenty - one (21) community based groups and twenty (20) sports groups. A list is included for your information.

Proceeds from each bingo event are returned to the group(s) sponsoring the event. In the last fiscal year, revenue for the members was in excess of 1.4 million dollars. These funds are returned to the community; they support this community's youth; its' athletes and a large number of facilities. They are used to supplement school programs and equipment budgets; to assist with the operation and administration of businesses and facilities that would be in financial peril without the charity dollars that bingo brings in. The funds are used to pay rent for the City of Red Deer swimming pool and the skating rink; for maintenance of the Speedskating rink; the freestyle ski practice area and the B.M.X. track. The Central Alberta Women's Emergency Shelter and the Parkland Humane S.P.C.A. rely on bingo funds to supplement their budgets; as do the Canadian Red Cross and Parkland Community Living and Support Society.

Bingo revenue in British Columbia was reduced by 40 % almost immediately upon instituting the no smoking bylaw. This would have had serious consequences for their member groups. Certainly, if the revenue for our Association members was reduced by 40 %, the ramifications would be far reaching with a number of our groups in serious financial crisis.

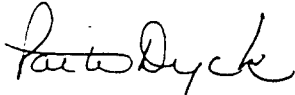
We have included in our Hall, for the benefit of our patrons who prefer to remain smoke free, a fully enclosed no smoking area. This gives all our players a choice as to where they wish to sit. Alberta Gaming & Liquor Commission regulations state that all players must be eighteen (18) years of age, eliminating children from playing in the Hall.

Any amendment to the current smoking bylaw banning smoking in public places must be reviewed with due care and caution, taking under advisement all the implications of such a bylaw. The financial concerns of our groups over this proposed bylaw, are valid. The effects of banning smoking within a Bingo Hall will be devastating.

Whose responsibility would it be to arrange an alternative source of income to replace the lost fund-raising dollars if a smoke free ban in all public places was implemented here in the city of Red Deer?

If you require further information or have any questions, please contact me at Cannery Row Bingo Hall, 340-8511.

Yours truly,

A handwritten signature in cursive script, appearing to read "Patti Dyck".

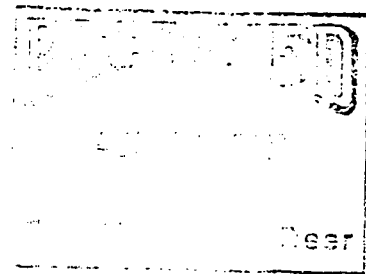
Patti Dyck,
Manager

cc. Dennis Moffat, Councilor, City of Red Deer
Lorna Watkinson-Zimmer, Councilor, City of Red Deer

115 Dunham Close
Red Deer, AB T4R 2J2
Telephone: 403-347-6654

August 16, 2000

Mr. Glenn Moore
Chair, Environmental Advisory Board
City of Red Deer
c/o City Hall
Box 5008
Red Deer, AB T4N 3T4



Dear Mr. Moore:

We are writing to request that the Environmental Advisory Board recommend a bylaw banning smoking in all public places in Red Deer. By public places we refer to all government offices and buildings, restaurants, sporting facilities, shopping malls, and other buildings and facilities used by the public on a regular basis.

In the face of overwhelming medical evidence on the harmful health effects of smoking--particularly of breathing second-hand smoke--it only seems sensible to create a public environment that respects the well-being of children and other non-smoking members of our community.

Numerous communities are moving toward smoke-free status and people accept it as a fact of life, just as they did the smoking bans on airlines, in hospitals, and in other areas where people's health has taken priority. This regulation will send a strong message to the young people of Red Deer who are resisting tobacco addiction.

Attempts of restaurant owners and mall proprietors to create "smoking sections" within a public space are unsuccessful. Smoke permeates the air and does not respect arbitrarily marked boundaries. Several visitors to Red Deer have remarked how both major shopping centres (Bower and Parkland Malls) are hazy with offensive tobacco smoke. Our telephone calls to the managers of both malls on this issue have been met with no constructive responses from either.

We strongly support the efforts of your board to make Red Deer an even safer place to live, work, and shop. Despite some initial resistance from merchants and smokers, the result of a full public ban on smoking will be a healthier community.

Sincerely,

Darren Lund Medi Bryce-Lund

Darren Lund & Medi Bryce-Lund

The WINROC Corporation

7651 - 49 Avenue
Red Deer, Alberta T4P 1M3
Phone: (403) 343-1100
Fax: (403) 346-7599



72

Red Deer Environmental Advisory Board
Attention: Glenn Moore
City of Red Deer,
P.O. Box 5008
Red Deer Alberta
T4N 3T4

May 24, 2000

Due to previous commitments I was unable to attend the Public Forum exploring the benefits or drawbacks of banning smoking in public places. I would like to make comments at this time.

Firstly I am a nonsmoker, with children who have asthma. Smoking is not allowed in my own home. Smoking is not allowed in the offices of the business I run due to the concerns of employees. Also on general principals I personally support the concept of a ban on smoking in public places.

However as a business manager I have a problem with what is a public place. If we are looking at a building the city owns, the city has the right to regulate within their facilities with no question. If we are looking at a building where the general public can enter with no restrictions as a result of other legal issues then I feel a ban on smoking could be legitimate. Shopping malls for example do not need to have a smoking area in a food court, and I would support a ban on smoking in this instance.

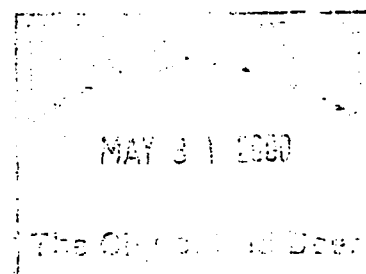
But is a private business in a stand-alone building even if it serves the general public a public place. In my opinion it is not. The business I represent owns and controls the property in which we operate and I do not believe the city has the right to force a smoking ban on this company. A restaurant is not a public place and today most restaurants have nonsmoking areas larger than the smoking. This is for the most part done as a result of public pressures and not legally required. I personally would like to see these areas physically separated by a wall or partition of some type.

A bar is not a public place, and due to legal issues is not open to minors. Thus all customers who enter a bar are fully aware of the environment they are entering and are responsible for the risks inherent with the environment. This does mean that the owner of the bar is not responsible for controlling the environment. There should be legislation in place that controls the air quality in the space, and requires the bar owner to meet a set of minimum standards for air quality. This is a practical approach, which would reduce the impact of second hand smoke on the public who patronize the bar and the employees who are serving them. This however is not a problem for the city but falls within the jurisdiction of the provincial government.

I trust you will find my commentary helpful. I wish you and the other members of your board my best as you deal with this contentious issue.

Regards,

Bill Lalonde
General Manager



June 19, 2000

Red Deer Environmental Advisory Board
The City of Red Deer
P.O. Box 5008, 4914 - 48th Ave.
Red Deer, AB T4N 3T4

Dear Sir or Madam:

This letter is to support a smoke free bylaw in the City of Red Deer. A bylaw of this nature will have a dual positive effect on the citizens of Red Deer. First, to protect the health of our children by reducing environmental exposures to tobacco smoke that can cause increased risk of asthma, acute respiratory disease and other potentially life threatening conditions. Second, to make smoking less publicly acceptable and accessible, particularly for youth who are vulnerable to social influences.

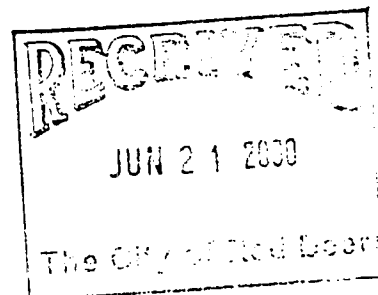
Tobacco products are the most significant cause of premature death and avoidable disease of Albertans. The DTHR 1999 Health Report concludes "the indoor air quality of the physical environment polluted with tobacco smoke can have a negative impact on those who choose for healthy reasons not to smoke." Non smoking adults and children are unwillingly exposed to second hand smoke in public areas throughout the city on a daily basis.

As a Public Health Nurse I encourage the City of Red Deer Environmental Advisory Board to acknowledge it's responsibility to protect the rights and freedom of choice of all citizens in Red Deer, not just the smokers.

Sincerely,



Danielle MacNeil RN BScN



**Regional Public Health**

2845 Bremner Avenue

Red Deer, Alberta

T4R 1S2

Phone: 403-341-2100 Fax: 403-341-2100

June 19, 2000

Red Deer Environmental Advisory Board
The City of Red Deer
P.O. Box 5008, 4914 - 48th Ave.
Red Deer, AB T4N 3T4

Dear Sir or Madam:

This letter is to support a smoke free bylaw in the City of Red Deer. A bylaw of this nature will have a dual positive effect on the citizens of Red Deer. First, to protect the health of our children by reducing environmental exposures to environmental tobacco smoke. Second, to make smoking less publicly acceptable and accessible.

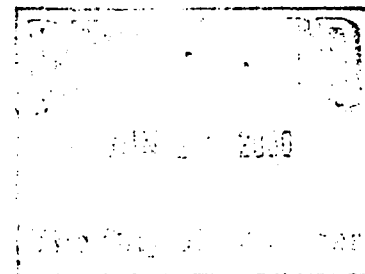
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Please consider a bylaw protecting children from environmental tobacco exposure in public places, in the promotion of healthy people in healthy environments.

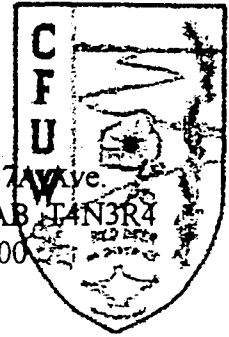
Sincerely,

Jackie Jackson

Jackie Jackson RN BN



Canadian Federation of University Women Red Deer and District



#305 4614 47 Ave.
Red Deer, AB T4N3R4
June 14, 2000

Red Deer Environmental Advisory Board
Red Deer City Hall
Red Deer, AB

Dear Members of the Environmental Advisory Board:

The members of the local Canadian Federation of University Women (CFUW-Red Deer and District) locally known as the University Women's Club support your efforts in proposing a by-law for the City of Red Deer that would expand the number of smoke-free public establishments.

We commend the City of Red Deer and the Boards of Education in city for their initiative in establishing smoke-free policies in so many public buildings. Research has provided such convincing evidence of the hazards to health from the effects of environmental tobacco smoke (ETS) that we feel these policies should be expanded. Considering especially the vulnerability of children to ETS we urge the City to consider a by-law that would prohibit smoking in public buildings in which persons under the age of 18 are likely to frequent.

The malls in the City of Red Deer are of particular concern, as non-smokers find it quite offensive to be subjected to high levels of ETS, and it is appalling that so many of our children are exposed to the effects of this toxic substance. Not only is their health endangered but the message that this environment gives them, is that smoking is socially acceptable.

The Smoke Free Business Registry distributed at the Clean Air Public Forum is an appreciated source of information and we hope it would be readily available for other citizens at a convenient location. We realize that the introduction and implementation of a by-law will require some time. Perhaps in the interim, a sign supplied by the city could be displayed by an establishment that has volunteered to become Smoke Free.

We would also urge that City of Red Deer to support the Alberta Tobacco Reduction Alliance resolution and all of its objectives.

Sincerely,

Merla Gibson, Issues Chair and Jane McDonald, President

Merla W. Gibson

Jane McDonald

CFUW is a non-partisan organization of approximately 10,000 women across Canada and of more than 300 in the six Alberta clubs. Since its founding in 1919, members have been active in public affairs, working to improve status of women, peace, human rights, education, justice and the environment.

Environmental Advisory Board
City of Red Deer
P.O Box 5008
Red Deer, AB
T4N 3T4

June 25, 2000

Dear Advisory Board Members;

As an interested citizen, I would very much support the Environmental Advisory Board to recommend to the City of Red Deer that they become an active member of the Partners for Climate Protection Program.

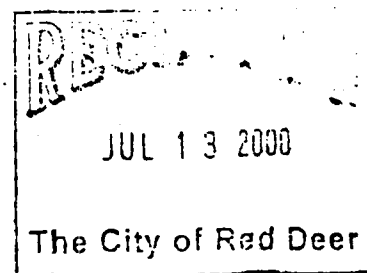
Every effort should be made to reduce greenhouse gas emissions. Partnership with other groups such as Federation of Canadian Municipalities and the Federal Government, will increase the potential for meaningful national action.

Red Deer has proven itself to be an environmentally aware city and this would seem to be a most logical step to take to address our local and regional air quality issues.

Sincerely,

Tunet Cole

Tunet Cole
28 Markle Cres.
Red Deer, Ab
T4R 1T1



Environmental Advisory Board
City of Red Deer
P.O Box 5008
Red Deer, AB
T4N 3T4

June 25, 2000

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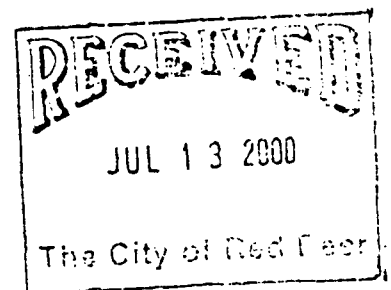
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Sincerely,



Barry Cole
28 Markle Cres.
Red Deer, Ab
T4R 1T1



Environmental Advisory Board
City of Red Deer
P.O Box 5008
Red Deer, AB
T4N 3T4

June 25, 2000

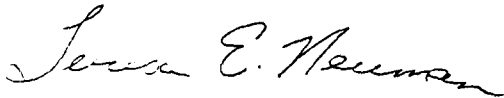
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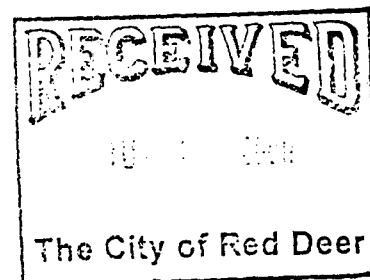


Teresa E. Neuman

4627- 48 St.

Red Deer, AB.

T4N 1S4



June 8, 2000

To: The Environmental Advisory Board

Re: The Ban of Smoking in Public Places accessible to children

When you walk through the mall, do you ever feel that you are being robbed of your freedom of choice? That is how I feel when I go to places that allow smoking. I think that we should all have the choice whether or not to breathe in toxic, cancer causing secondhand smoke. I know that smokers feel that if we make it so that they cannot smoke in public places, we are taking away their rights. The way that everyone that signed my petition sees it, is if we allow smokers to keep smoking in public places, we are having our right to clean air taken away. As teens, we have many problems. Being afraid of dying early from cancer or any other problems that smoking causes, should not have to be one of them. I am a 13-year-old, Grade 8 girl, and I believe that children and all other people should not have to breathe in second hand smoke. I have collected signatures from my school, which is Eastview Middle School, also some signatures from some students from Lindsey Thurber Comprehensive High School. In total I have collected 531 signatures of people that favor banning smoking in public places. Of the total 492 of them are teens under the age of 18 and 38 of the total are over the age of 18. This proves that there are many young people that do care about their health and would like to see something done about it. I know that you have to take into account all of the opinions of the people; I hope that the vast majority of nonsmokers will not be punished for the minority of smokers.

Sincerely,



Kristie McCue

By signing this paper, I support breathing in clean air in public places in Red Deer. I understand that city council has asked the environmental advisory board to study the issue of smoke free environments in all indoor public places accessible to children and in all workplaces. By signing this petition I fully support the idea of having no smoking in all public places, as it is scientifically proven that smoking and breathing in second hand smoke is very harmful.



Respiratory/Neuro/Care/Solex
 Postal Box 5030
 Red Deer Alberta
 T4N 6K2
 Phone: 403-343-4434 Fax: 403-309-2800

Date: May 1, 2000

To: Red Deer Environmental Advisory Board
 Red Deer City Hall

From: Red Deer Attack on Asthma Steering Committee

Re: SMOKE FREE BYLAW

I am writing on behalf of the Red Deer Attack on Asthma Steering Committee to express our support for the Smoke-Free-Bylaw. We see this bylaw as an important initiative to protect the health of children, and in particular, the health of children with asthma.

During November 1998 we conducted an extensive survey of more than 5000 students in 16 schools within the Red Deer Public and Red Deer Catholic School Districts. These surveys showed that an average of 13% of school-age children, those from kindergarten to grade twelve, have asthma. This is the same average reported by Health Canada in a 1998 National survey. Asthma is a chronic condition, which involves inflammation of the air passages in the lungs and is the most common chronic childhood illness in Canada. Management of asthma involves the use of appropriate medications and identifying and eliminating or reducing as many asthma triggers as possible for the affected individual's environment.

Sidestream or environmental tobacco smoke contains more than 4000 chemicals, of which at least 50 are known carcinogens. Tobacco smoke also contains immunogens, i.e., substances that trigger the immune system. Approximately half of allergy-prone individuals have an allergic reaction when tested with tobacco leaf extracts. Tobacco smoke also has the direct effect of causing airway inflammation in the lungs. Our Attack on Asthma surveys have clearly identified secondhand tobacco smoke as a risk factor for children with asthma in Red Deer. Tobacco smoke is a known and avoidable trigger for children with asthma.

The Global Initiative for Asthma (a project in collaboration with the National Heart, Lung and Blood Institute, NIH, and the World Health Organization) has declared May 3, 2000 to be World Asthma Day. This is clearly an appropriate day to support a bylaw, which ensures our asthmatic children can attend public places without having to be exposed to environmental tobacco smoke.

Respectfully,

Daniel Melvin

Daniel Melvin
 Coordinator, Red Deer Attack on Asthma

"healthy people living in healthy communities"

Maureen McCall, BSc, MD, MPH

4814 - 51 Street, Red Deer, AB T4N 2A4 ph. 341-5216 fax 341-5276
email: mdmccall@home.com

Red Deer Environmental Advisory Board
c/o Red Deer City Hall
Red Deer, Alberta

April 29, 2000

Dear Members of Red Deer Environmental Advisory Board:

Re: Public Meeting for a Smoke Free Bylaw, May 3rd, 2000, Holiday Inn

Unfortunately, I am unable to attend this public meeting on May 3rd. I am writing this letter in support of a municipal bylaw for Smoke-Free Public Spaces in Red Deer and request that it be submitted along with the in-person presentations for your board's consideration.

I am a Family Physician at the Associate Clinic, Red Deer and I hold a Masters Degree in Public Health. Involuntary exposure to "second-hand" or environment tobacco smoke (ETS) is a serious Public Health concern and, as such, falls within the jurisdiction of municipal governments to enact legislation to protect the health of its citizens. While public policy regarding health issues is also part of the mandate of our Provincial Government, the Government of Alberta has yet to address this issue. The citizens of Red Deer need not wait for provincial legislation, ***It is time for our local legislators to make the right decision and protect us all from the harmful effects of ETS.*** Many municipalities across Canada have taken this step. The City of Toronto's example has been applauded by public health bodies across North America and internationally.

The devastating effects of smoking on individual patients' health have been clearly demonstrated to me through my clinical work in Red Deer for the past 10 years. Every week I treat patients suffering from illnesses such as asthma, chronic bronchitis, cancer and heart disease brought on or worsened by smoking. The plight of these people is sad, but most made the choice to smoke even knowing the possible consequences. Needless to say, many now deeply regret having made the decision to start and want to stop others from suffering as they have. The statements I make in this letter echo the sentiments of many of my patients, smoker and non-smokers, who agree with public efforts to decrease the adverse health effects of smoking and ETS.

I am deeply concerned about those who suffer adverse health effects, not because of a habit they have chosen, but through exposure to "second-hand" or environment tobacco smoke (ETS). There is NO safe level of exposure to ETS. It

contains a myriad of cancer-causing and irritant chemicals. Environmental Tobacco Smoke also causes all of the same diseases that smoking does and it is estimated that there are over 300 deaths per year in Canada attributable to ETS alone. Unfortunately, even the most sophisticated ventilation systems and "air purifiers" cannot remove the small particulate matter of ETS even if the air does not smell like smoke. Knowing all of these facts makes it more than unpleasant or annoying for me and my loved ones to attend sports events, go to the malls or enjoy a meal in a restaurant where smoking is allowed. Even with sitting in the non-smoking section, we return home with our clothes and hair smelling of smoke, demonstrating that we are being exposed to ETS against our wills.

Infants and children are especially sensitive to ETS exposure. We know that children regularly exposed to ETS have up to a 10 times higher incidence of respiratory infections (including pneumonia), ear infections, asthma and allergies compared with children who are not exposed to ETS. Infants exposed to ETS in their homes are much more likely to die from Sudden Infant Death Syndrome or "Crib Death". These facts clearly point out the dangers of ETS to our children. Parents addicted to cigarettes who are made aware of these dangers will often volunteer to avoid smoking in their homes and vehicles until they can quit smoking altogether. These efforts need to be backed up by a ban on smoking in public places so that children can be protected from the harmful effects of ETS wherever they live and play.

The dangers of smoking are now well known and understood by the public and the growing social unacceptability of smoking and the decrease in the number of adult smokers is an encouraging sign. The disturbing trend of increasing teen smoking, however, should be a call for further action beyond slow and gradual social change. Continuing to allow smoking in public places gives children and teens adult models that counteract public education messages – the old "do as we say, don't do as we do". If we are serious about decreasing the rate of tobacco use among our youth, the first step we can take as a community is to decrease our children's exposure to tobacco smoke and decrease their perception that tobacco use is socially acceptable and commonplace.

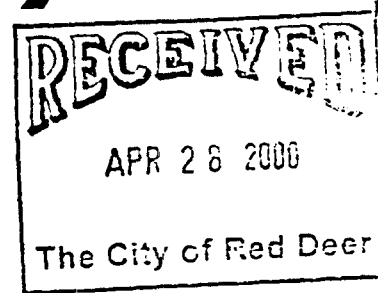
In closing, I ***strongly urge*** the members of the Red Deer Environmental Advisory Board to support the enactment of a local bylaw banning smoking in public places. This is not a personal choice or property rights issue, it is a serious public health issue that deserves action.

Yours sincerely,

Maureen McCall, MD, MPH



Kevin Sirois Fitness Resour.
Box 5005, Red Deer, Alberta, Canada
Phone: 403.342.3140 Fax: 403.342.3141



April 26, 2000

Environmental Advisory Board
c/o Red Deer City Hall
P.O. Box 5008
RED DEER AB T4N 3T4

To Whom It May Concern:

As a member of the Red Deer Council on Smoking and Health, this letter is being written in support of the proposed bylaw, by the Environmental Advisory Board, to eliminate smoking in all places accessible to the public, including the workplace. This is of particular importance in those places accessible to children.

It is well documented that second-hand smoke poses a very real health risk to everyone, young or old. If steps can be taken to eliminate exposure, especially in public places, then the impact of reducing the risk of related health problems associated with second-hand smoke would be far reaching. It is very timely that this bylaw is being given such serious consideration at the municipal level.

Our centre is fully supportive of this bylaw and is hopeful it will be deemed significantly important to be dealt with now in an assertive manner.

Sincerely,

A handwritten signature in cursive script, reading 'Connie Walker-Dymianiw'.

Connie Walker-Dymianiw,
Director



Phone 6 / N° de tél

Phone 7 / N° de tél

Fax 6 / N° de télécopieur

Fax 7 / N° de télécopieur

City of Red Deer
Environmental Advisory Board
P.O. Box 5008
Red Deer, AB
T4N 3T4

May 02, 2000

Re: Public Forum on Smoke-free Spaces

A comprehensive tobacco control program for our region will require the health promotion efforts of all concerned in two main areas – legislation and education.

The Dental Program, David Thompson Health Region, endorses the creation of smoke-free public spaces in Red Deer. Regulatory controls are needed to ban smoking in public places, especially where children and youth gather including sports facilities, restaurants, shopping centres and public transportation.

Children are particularly vulnerable to the effects of second hand smoke. A causal relationship has been found between second hand smoke and lower respiratory tract infections, middle ear disease, chronic respiratory symptoms, asthma, lung function and sudden infant death syndrome. Children do not choose to be exposed to these known risks of second hand smoke. They have the right to grow up in a safe environment, free from exposure to the risks it poses.

We support this public forum and your efforts to gather the wisdom and concerns of Red Deer citizens.

Sincerely,

Steven K. Patterson, BSc, DDS, MPH
Regional Dental Officer

May 8, 2000

Bill & Pearl Franz
3 Sherwood Crescent
Red Deer AB T4N 0.

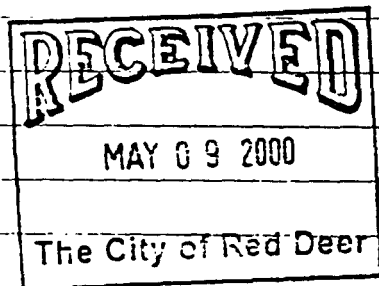
Red Deer Environmental Board
c/o Red Deer City Hall

To Whom it May Concern:

We are strong supporters of a Smoke Free By-Law. Smoking in public places has caused hardship and limitations on people of all ages. It would make life and breathing easier if the people who smoke would do so only when not infringing on others. That is not to smoke in public buildings, restaurants, bars. Please consider this health issue seriously.

Sincerely,
D. Franz, R.N.

Bill Franz



CANADIAN
CANCER
SOCIETY

SOCIÉTÉ
CANADIENNE
DU CANCER



#200, 2424 Fourth Street S.W.
Calgary, Alberta, T2S 2T4

Phone: (403) 228-4487
Fax: (403) 228-4506

ALBERTA/NWT.

May 4, 2000

Mayor Gail Surkan
P.O. Box 5008
4914 - 48 Ave
Red Deer, Alberta
T4N 3T4

Dear Mayor Surkan and Members of Council:

It has been brought to the attention of the Canadian Cancer Society, Alberta/NWT Division that the City of Red Deer is currently considering a bylaw requiring public buildings to be smoke-free. The Canadian Cancer Society supports bylaws that ban smoking in all public places.

The Canadian Cancer Society is concerned about the effects of tobacco in general and the health implications of second hand smoke. Second hand smoke is the most common and harmful form of indoor air pollution with more tar, nicotine, and other cancer causing chemicals than mainstream smoke.

The Canadian Cancer Society recognizes the dangers of second hand smoke to our citizens and supports educational programs and initiatives that contribute to the goal of tobacco reduction. We recommend the City of Red Deer to enact a clean air bylaw and encourage you to designate all public places smoke-free.

Sincerely,

Keith Stewart
Executive Director
Canadian Cancer Society, Alberta/NWT Division

MAY 09 2000

The City of Red Deer

Carmen Tayles
97 Selkirk Boulevard
Red Deer, Alberta T4N 0G6

May 3, 2000

Red Deer Environmental Advisory Board
C/o Red Deer City Hall
4914-48 Avenue
Red Deer, Alberta T4N 3T4

To Whom It May Concern:

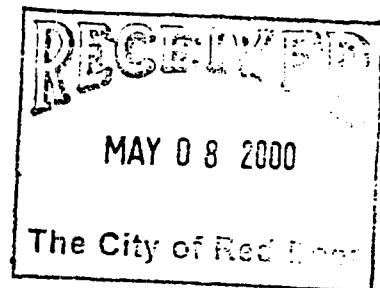
I would like to voice my support for a Smoke Free Bylaw. With all the evidence there is of the damage second hand smoke and first hand smoke causes, I think that all public places (inside) should be smoke free. I don't think that there is any reason that smokers need to smoke inside public places. We need to protect the health of our children and ourselves and if we choose not to be smokers or around it, why should we be forced to be in an environment with cigarette smoke? I also think that if there was a smoke free bylaw, it may deter teens from starting to smoke as it will become a less "visual" peer pressure issue.

I am unable to attend the meeting today at the Holiday Inn regarding this issue, but I am in total support of this bylaw and would like to see this issue proceed.

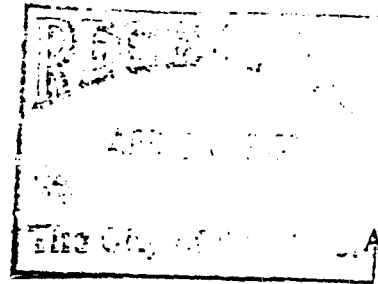
Sincerely,

C. Tayles

Carmen Tayles



DENTAL CLINIC



Mr. Glenn Moore, Chairman
Environmental Advisory Board
City of Red Deer
P.O. Box 5008, 4914 - 48 Avenue
Red Deer, Alberta T4N 3T4

April 18, 2000

Dear Mr. Moore:

As a health professional I strongly support the proposed by-law to eliminate smoking from areas of public access where children would be exposed to second hand smoke. The dangers of second hand smoke exposure have been well documented and researched. When children are in public areas where they may be exposed to the dangers of second hand smoke (eg. bowling alleys, malls, restaurants etc.) any effort to reduce or eliminate the danger should be a public health issue that needs to be supported.

If this helps increase the awareness of the dangers to smokers (eg. oral cancer, lung cancer, lip cancer etc.) this is another worthwhile issue that needs to be addressed. As a health care provider it is important to support issues that can impact on the quality of life of the general population. Once again, the discussion and development of the proposed by-law is a public health issue that I would encourage to be developed in a successful direction.

Sincerely yours for better health and dentistry,

Tony Odenbach

DR. BARRY FLEMING 346-8443

DR. TONY ODENBACH 346-6535

DR. ALICE STEPANIK 347-7467

FAX 342-2665 103 - 5920 GAETZ AVENUE, RED DEER, ALTA. T4N 4C3

April 26, 2000

Red Deer Environment Advisory Board
C/o Red Deer city Hall
Box 5008
Red Deer, AB. T4N 3T4

Dear Sir or Madame:

I am writing in full support of a Smoke Free Bylaw. I would like to see a total ban on smoking. Smoking should not be allowed in any public place!!!

I am allergic to smoke and do not go to any places which allow smoking. I am very pleased to see places like Tim Horton's, Kentucky Fried Chicken, MacDoanld, Chapters and department stores that have ban smoking. These businesses have not lost business due to this move, in fact they have become busier. I would just love to go to a bar and have a few drinks, but I can't because of the smoke. I worry about my children who go to the bars. They do not smoke and their friends do not smoke, but go for the socializing, they don't have a choice. I don't see how occupation health, workers compensation, government and the city can overlook the extreme hazard of this atmosphere.

The cost to the health care system is outrageous. The future cost as the baby boomers go thought the system is going to be very costly if we don't do something about it. Life insurance companies have recognized the smoking costs and reflect that in the higher premiums. Why do we not recognize this in the health care system? I have always worked in payroll, and it is a know fact that absenteeism for smokers is very high because of the smoking related illnesses.

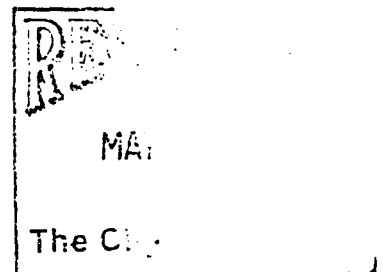
I feel smoking is very harmful to everyone. The majority of the population is non-smoking and we have to put our health at risk when we are exposed to these carcinogenic substances.

I watched my father suffer a slow and agonizing death from Asthma and emphysema. I don't want anyone to have to go thorough that.

Yours truly,



Blair & Iris Smith
Box 27043
Red Deer, AB. T4N 6X8



Tom Smith
Chair, Red Deer Council on Smoking and Health
4413 Embury Cres.
Red Deer, AB
T4N 2S9

Environmental Advisory Board
Red Deer City Hall
Box 5008
Red Deer, AB
T4N 3T4

Dear Environmental Advisory Board,

On Behalf of the Red Deer Council on Smoking and Health I wish to apologize for our absence from the invitational forum held on March 14, 2000. As a council we are very supportive of a one hundred percent smoke free bylaw in public places for Red Deer. We believe that such a bylaw will contribute to the health and well being of non-smokers, as well as providing a supportive environment for the significant numbers of smokers who want to quit. In addition, a health oriented public policy of this nature may influence the youth of our community to make positive lifestyle choices regarding nicotine tobacco.

The Red Deer Council on Smoking and Health urges the EAB to pursue this matter further. Ultimately, of course, we would like to see Red Deer City Council implement a bylaw of the aforementioned nature to further enhance our community.

Sincerely,



Tom Smith
Chair
Red Deer Council on Smoking and Health

April 18, 2000

Gail Foreman, R.N.,
Tobacco Program Coordinator
David Thompson Regional Health Centre
2845 Bremner Avenue
Red Deer, Alberta T4R1S2

Dear Ms. Foreman:

Re: Safety (i.e., fire, etc.) and Health (i.e., cancer, etc.) Factors Caused and/or Exacerbated by Second-Hand Smoke in Subsidized Housing in Alberta

Further to my telephone discussion last week with Marg Scheyen, and as indicated to Marg, for your record I am formally addressing this issue in writing.

The following will give you a brief update of what led up to current events, and to forced exposure to second-hand smoke. As a result of having used all my savings for living expenses after exhaustive job searches (my last contractual employment ceased due to a freeze on hiring permanent staff at the time) forced me to look for subsidized housing. It has been an eye-opener and certainly an *educational* experience (it seems as though very little in reality is as it appears from the "outside looking in!").

Before moving into subsidized seniors housing in Trochu I explored this lifestyle to the extent that I had even accepted casual work which entailed the writing of a report on seniors housing based on data compiled by a researcher. The research did reveal problems that were affecting the health of residents in such housing. Yet nothing prepared me for the actual experience!

Although I had alerted the administration responsible for housing here that I have health problems with second-hand smoke, noting that I be in smoke-free quarters. When I moved here in January of 1999, the unit next to me was vacant. By May of that year a heavy smoker was moved into that suite next to me.

Since that time I have literally fought with the administration and the Alberta authorities responsible for subsidized housing with no concrete results. I have actually been told to move if I don't like it! At this point after all this unpleasantness, and the effects of being forced to live with noxious second-hand smoke have worked to adversely affect any search for other housing at this time.

However, even if I were able to undertake an exhaustive search for another place that is fit for human habitation, there are no safeguards in place to protect me from having the same thing happen all over again.

Non-smokers who suffer from exposure to toxic pollutants produced by users of the material have been unable and/or unwilling to get embroiled in constant battle with greedy and thoughtless landlords. This has too often led to further deprivation in addition to the life-and-death hazards of smoldering smoking material causing dangerous fires and life-threatening health problems from exposure to such air-borne toxins.

I ask therefore that this issue be treated seriously and all with the necessary considerations to non-smokers (which of course includes children). Far too much emphasis for far too long has been placed on the so-called "rights" of the smoker.

Your consideration in this matter will be much appreciated, I am sure, by all who have been forced into deleterious circumstances, with no recourse in place.

Sincerely,

*With Thanks,
Rose A.*

Rose Armstrong
PO Box 452
Trochu, AB T0M 2C0

Ph: 442-3127



43 Eldridge Cr.
Red Deer, AB.
T4R 2C9
May 2, 2000

Red Deer Environmental Advisory Board
c/o Red Deer City Hall
P.O. Box 5008
4914 - 48 Ave.
Red Deer, AB.
T4N 3T4

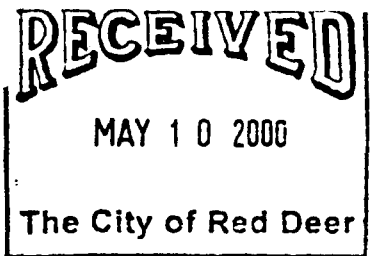
Dear Advisory Board Members:

I am writing to express my support for a Smoke Free Bylaw in Red Deer. We all know the health hazards of cigarette smoke, even second hand smoke, yet smokers have continued to have more rights than non-smokers. For a person sensitive to smoke, a non-smoking table in a restaurant is not adequate when people are smoking just a few tables away. A stroll past the Food Court in the mall is enough to cause one to cough and choke, even if one hurries. It is time that this health issue be dealt with for the benefit of all those who do not wish to be unwilling participants in the smoking habit. I have five children, three of whom have asthma/allergy problems. Being in public places where smoking is allowed has a very obvious negative impact on them. We do not allow smoking in our home, but this is not enough. We should be able to enjoy public outings without worrying about being harmed by someone else's smoking problem. Smoking in public places does affect everyone, not just the smoker. Therefore I am in full support of a Smoke Free Bylaw, and sincerely hope that the needs of those who wish to maintain good health will be put before the desires of those who seem to care so little about their health. Thank you for your consideration of this important issue.

Yours sincerely,

A handwritten signature in cursive script that reads "Judy Stangier".

Judy Stangier

**MOONEY INSURANCE**

May 5, 2000

Environmental Advisory Board
c/o City of Red Deer
Box 5008
Red Deer, Alberta
T4N 3T4

To the Chairman:

Re: Smoking ban in public places

As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and, in particular, those places accessible to children including workplaces.

There is good scientific evidence that second hand smoke poses a very real health risk to everyone young and old. Steps need to be taken to reduce or eliminate our exposure to this hazardous substance, especially in public places. Municipal governments have a mandate to enact legislation to help protect the health of citizens. A bylaw of this nature would serve to reduce the risks associated with involuntary exposure to second hand smoke for non-smokers, those people who have health conditions aggravated by second hand smoke and children.

I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public.

Yours truly,

Bryan Pobihushchy
President



Canadian Property Rights Research Institute

PO Box 52099, 311 - 16 Avenue
Calgary, AB T2E

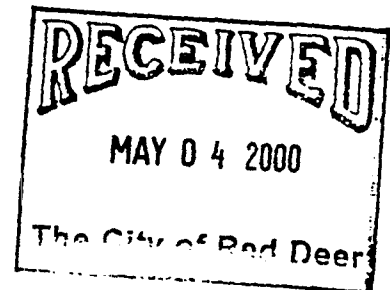
Tel: 877-480-5263 Fax: 403-250-
<http://www.propertyrights.net>

May 1, 2000

Mayor Gail Surkan
The City of Red Deer
P.O. Box 5008
Red Deer, Alberta T4N 3T4

*Sent by facsimile to 403-342-8365
Original mailed*

Re: Proposed Smoking Ban in Red Deer Restaurants



Dear Ms. Gail Surkan,

I am writing to introduce you to the Canadian Property Rights Research Institute (CanPRRI) and to put forward the Institute's position on the proposed smoking ban in Red Deer restaurants.

Founded in 1997, the Canadian Property Rights Research Institute is a non-profit, non-partisan, public policy research and educational institute headquartered in Calgary, Alberta with additional offices in Edmonton and Ottawa. The Institute seeks to broaden the parameters of public policy debate to allow for consideration of more mechanisms to define and defend property rights. Our mission is to research the role of the individual's right to own property in creating a free and prosperous society.

To this end, the Institute will:

- Perform and/or commission research and literature reviews on property rights questions and issues;
- Publish the results of such research in scholarly papers, books, articles, the media, and the Internet;
- Hold conferences for the presentation and discussion of papers and research for scholars, members of the public and the media; and
- Educate the public through articles, books, the media, and the Internet; and through school programs, curriculum materials, and teacher awareness seminars.

The Institute accepts no government funding or subsidisation and relies entirely on support from individual contributors and sponsors. The Institute's initiatives are administered by the Executive Director, who draws advice from the Board of Directors and the Advisory Board comprised of academics and business leaders across North America. The Institute is a non-profit group registered under the Societies Act in Alberta.

With respect to the proposed ban on smoking in Red Deer restaurants, the Canadian Property Rights Research Institute hosted events in Edmonton and Calgary on March 15th and 16th on the apparent conflict between public health and private property rights in the context of a proposed ban on all indoor public smoking. Edmonton Journal Columnist Lorne Gunter and visiting University of Oklahoma Professor of Philosophy Andrew Cohen were called upon by the Institute to answer the following important question: Can property rights settle public smoking disputes?

By way of an answer to this question, Mr. Gunter introduced his fascinating paper as follows:

"The proposed prohibition on smoking in indoors public places is a debate over boundaries: The boundary between public and private, and the boundary between the individual and the collective. Those who would see bars and restaurants as public places tend to believe government has a legitimate deciding vote to cast in a whole host of personal, private and interpersonal decisions. While those who would see such spaces as private, would most often wish to place severe constraints on the state and the scope of its action. The proposed smoking bans are based on a misunderstanding of the distinction between private and public property. Publicly accessible property is not the same as public property. The government must have limited regulatory control over non-criminal behaviour in private homes, for the same reason that they must have limited regulatory control over non-criminal behaviour in private businesses."

I think you would agree that the subject of Mr. Gunter's research paper is of great importance in providing clarity and balance to the current discussion of the alleged benefits of a smoking ban in Red Deer restaurants.

Dr. Andrew Cohen with the University of Oklahoma explains his equally important research on the same topic in the following abstract:

"Public policy debates often confuse what ought to count as a "public" policy. Injecting a healthy appeal to individual rights could help resolve disputes by carefully defining just what ought to fall within the public domain and the regulatory control of the state. The proposed smoking prohibitions in indoor public places is a case in point. Because smoking is allegedly unhealthy, government regulators feel legitimately empowered to control how, where, and when individuals may smoke. However, the alleged unhealthiness of smoking is no argument for severely limiting individual freedom and restricting private property rights. In fact, the institution of private property is the appropriate mechanism by which the private sphere or jurisdiction of citizens is defined. If this jurisdiction has no meaning to municipal, provincial and federal governments, the very foundation of liberal democracy is threatened."

Co-hosting the events were Member of Parliament Rahim Jaffer, Report Newsmagazine Publisher Link Byfield, University of Calgary Professor Tom Flanagan, Mitch Gray with the Canadian Taxpayers' Federation and many others. The event was sponsored by a broad section of the hospitality industry deeply concerned about financial losses and a loss of control over their private property.

It is my hope to appear before Red Deer City Council to more clearly outline the Institute's position on this matter. Please contact me directly at 1-877-480-5263 so that an appointment may be scheduled that accommodates your busy schedule.

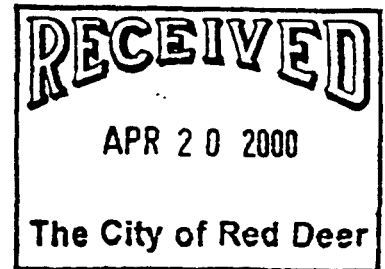
Sincerely,

Matthew Johnston

Matthew Johnston
Executive Director
Canadian Property Rights Research Institute

PS -- A copy of the "Property Rights Policy Series" booklet has been enclosed as a sample of the research being produced by the Institute. Please contact the Institute for the complete research documents on smoking regulations vs. property rights.

Monday, April 17, 2000



Red Deer Environmental Advisory Board
c/o Red Deer City Hall
P.O. Box 5008
4914 - 48th Avenue
Red Deer Alberta
T4N 3T4

To Whom It May Concern:

Re: Smoke Free Bylaw in Red Deer

As employees of David Thompson Health Region, we have been encouraged to write a letter to the Board expressing our support or opposition to this Bylaw. I am writing to express my support for this bylaw. We should not only be concerned about the health of our children, but also the effects on others, such as seniors with breathing difficulties, asthmatics, and people with smoke allergies.

I strongly support a by-law making areas where children are present to be smoke-free. A case in point -- last weekend, I walked into the Bauer Mall (which has posted on its entrance doors "This is a Smoke Free Environment"), only to be hit smack in the lungs by cigarette smoke less than 10 feet from the door entrance to the mall. People were sitting in the mall, smoking and having coffee. I must say, I don't see the point of the signs on Bauer Mall's doors, if you have to run the smoking gauntlet to get inside.

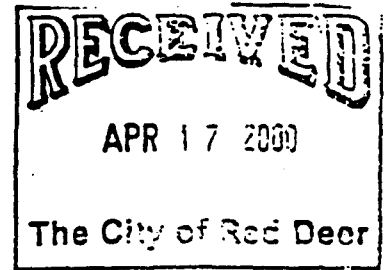
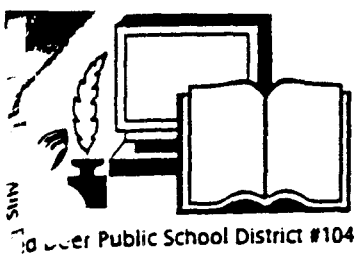
Recently, I was in Lethbridge, where they have a smoking bylaw that prohibits smoking in public places where children may be present. What a pleasure to go into a restaurant and have a meal without the smoke from the Smoking Area drifting over to the Non-smoking area. Also the argument that it will hurt restaurants falls flat when I found that there was a 20-30-minute wait for a table at this eatery. It was also a pleasure to shop in the malls, free of smoke. Our public facilities should not be a health hazard to anyone, particularly our children.

It's not just the health of our children, but everyone who is concerned about their health and well being, that we need to have in mind when we look at a Smoke Free Bylaw.

Sincerely

Shirley Humphries
DTHR Employee
Olds Hospital and Care Centre

sh



April 14, 2000

BOARD OF TRUSTEES

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Mr. Glenn Moore
Chairman, Environmental Appeal Board
City of Red Deer
P.O. Box 5008
Red Deer, AB T4N 3T4

Dear Glenn:

Issue of Youth Smoking

I am pleased to read and hear that the Environment Advisory Board is addressing the issue of smoking in our community. The Board of Trustees and staff of Red Deer Public School District are interested in doing everything we can to discourage the youth of our community from smoking.

Representatives of the Red Deer Council on Smoking and Health have made presentations to our Board of Trustees, and to all of our Principals. We are supportive of their efforts. Our present policy does not allow smoking in any of our school buildings. We have a group of teachers who, at the present time, are addressing the appropriate grade level to provide information on smoking.

Please accept this letter as support of any efforts in our community to discourage youth from smoking.

Yours sincerely,

L.G. Luders
Superintendent of Schools

LGL:lw

cc: Cindy Jefferies, Chair, Board of Trustees
Principals, RDPSD
Joy Dyson, LTCHS

May 9, 2000

Environmental Advisory Board
c/o City Hall
Box 5008
Red Deer, AB
T4N 3T4

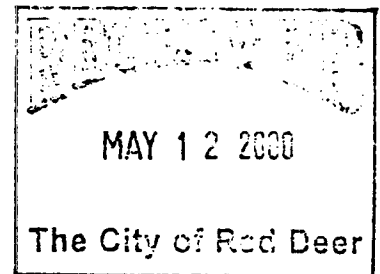
ATTENTION: Glen Moore

As a citizen of Red Deer, suffering from asthma, and a severe allergy to cigarette smoke, I would be in favor of having all public places in Red Deer smoke free. All people, including my children, who are also asthmatics, should be able to go into shopping malls and restaurants and not have to contend with cigarette smoke.

Thank you for supporting smoke-free public places for us and our children!

Yours truly,

Patti Crozier



Gwen Jaillet
108 Dowler Street
Red Deer, AB
T4R 2J4

Red Deer Environmental Advisory Board
c/o Red Deer City Hall
Box 5008
Red Deer, AB
T4N 3T4

To Whom It May Concern:

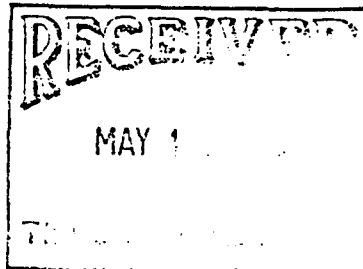
Re: Smoke Free Bylaw

I support the Smoke Free Bylaw.

Sincerely,

Gwen Jaillet

Gwen Jaillet



3410 - 41 Avenue
Red Deer, Alberta
T4N 2X6
(403) 346-0121
May 11, 2000

Environmental Advisory Board
C/O City of Red Deer
Box 5008
4914 - 48 Avenue
Red Deer, Alberta
T4N 3T4

Dear Board Members:

I am writing to support the recommendations made at the public forum on May 3, 2000, for having smoke-free public areas where children frequent. I believe that as a community we need to value our health as a resource. I believe we also need to be role-models for our children. Having clean air where our children visit is a great way to accomplish both.

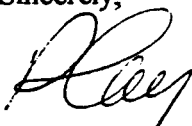
As a registered nurse, I have had first hand experience of the devastation that smoking addiction can cause to an individual's, and their family's health. Cigarettes, if taken as 'prescribed', are the only drug that can kill you, or cause major health problems. I have always struggled with the concept of why the tobacco companies end up having such control over peoples' lives. Convincing people they need to smoke because of the addictive qualities of the cigarettes, then convincing people that it is their 'right' to smoke in public places, contaminating the air for those who choose not to smoke. I find this a very confusing philosophy. I believe we need to take a stand and protect our children from ever starting to use tobacco products, as well as openly supporting those who want to quit - for the health of our community. I believe this will be accomplished by ceasing smoking areas in places where children frequent. Or by making restaurants who want to continue having clientele who smoke in their establishments, limit the admission to adults only.

I realize this is a contentious issue. However, I look at the different laws and guidelines we have in our society to protect our health from other people's risky

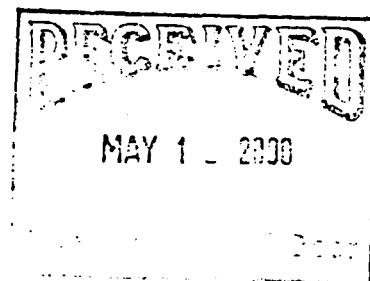
behaviour. We have laws to protect us from those who choose to drink and drive, as that is a danger to our health. We have laws that protect us from those who choose to speed and drive, as that is a danger to our health. We have guidelines for restaurant owners to properly prepare food products for our consumption, if not prepared properly, is a danger to our health. But we seem to have difficulty placing smoking in that same category. Smoking is a danger to our health and we need to start treating it as such.

Thank you for taking the time to be involved in such an important issue in our society. I realize there are many other issues that we, as a community, need to examine such as poverty and violence. We need to deal with those issues as well. However, I don't believe we should ignore all other issues regarding our health until then. We need to start taking steps towards a healthier society in general. This is one small step in accomplishing that goal.

Sincerely,



Patty LeMay



Kelly Kloss

From: Gail Surkan
Sent: April,24,2001 11:41 AM
To: Kelly Kloss
Subject: FW: Smoking Bylaw

Donna Hamel
donnah@city.red-deer.ab.ca
 Phone: 403-342-8362
 Fax: 403-342-8365

From: Sandy J. Murray

Sent: April 23, 2001 10:27 PM
To: gails@city.red-deer.ab.ca
Cc: jeffreyd@city.red-deer.ab.ca; morrisf@city.red-deer.ab.ca; bevh@city.red-deer.ab.ca; bhull@67liquor.ab.ca; dennism@city.red-deer.ab.ca; lpimm@telusplanet.net; jasonv@city.red-deer.ab.ca; comforts@telusplanet.net
Subject: Smoking Bylaw

April 23, 2001

Red Deer City Council
 c/o Red Deer City Hall
 P.O.Box 5008,
 Red Deer, AB T4N 3T4

Dear Mayor Surkan and Members of Council,
 I write to express my strong support for banning smoking in all public places, including workplaces.
 There has been irrefutable evidence regarding the exquisite dangers of tobacco use for 40 years, and in particular the dangers of inhaling second hand and side stream smoke. It simply is not acceptable to continue to tolerate situations that cause involuntary exposure to second hand and side stream smoke in public places. The situation now is analogous to the days before the introduction of mandatory usage of seat belts. I am sure that we now all accept the wisdom and safety of this public health measure, and the implementation of public health measures to reduce the ongoing death and disability from exposure to second hand and side stream smoke is long overdue.
 City Council has an opportunity to demonstrate leadership and courage by enacting legislation to protect the health of its citizens. In addition, restrictive legislation sends a strong message regarding the social rejection of this

dangerous and preventable addiction, and will result in fewer children becoming addicted.

I support any bylaw that will reduce involuntary exposure to second hand and side stream smoke in public. Do not miss this opportunity to act. Lives can be saved your intervention.

Sincerely,

Sandy J. Murray
/SJM

Sandy J. Murray MD CCFP FCFP
5201 - 43 Street #240
Red Deer, AB T4N 1C7
403-342-5400
sjmurraymd@home.com

April 9, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

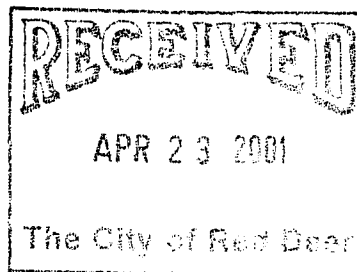
To the Mayor and Members of Council,

As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including workplaces. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region. It is my understanding that results showed very strong support for a ban on smoking in places where children go.

There is good scientific evidence that second hand smoke poses a very real health risk to everyone young and old. Steps need to be taken to reduce or eliminate our exposure to this hazardous substance, especially in public places. Municipal governments have a mandate to enact legislation to help protect the health of citizens. A bylaw of this nature would serve to reduce the risks associated with involuntary exposure to second hand smoke for non-smokers, those people who have health conditions aggravated by second hand smoke and children.

I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,



April /9, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

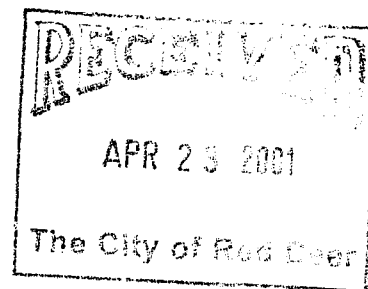
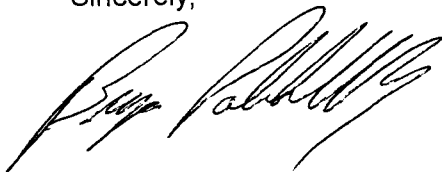
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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,



April 17, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

To the Mayor and Members of Council,

As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including workplaces. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region. It is my understanding that results showed very strong support for a ban on smoking in places where children go.

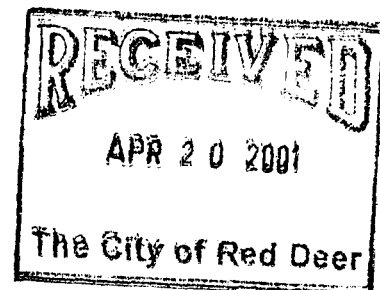
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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,

Nanette Kowalski

Nanette Kowalski



April 12, 2001

Red Deer City Council
C/O Red Deer City Hall
PO Box 5008
Red Deer AB T4N 3T4

To the Mayor and Members of Council:

As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including workplaces. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region and it is my understanding that results showed very strong support for a ban on smoking in places where children go.

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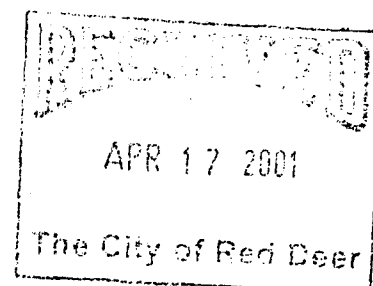
I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,



Gary Seher
Manager
Parkland Mall

GS/td



April 17, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

Gerry Paradis
29 Dandell Close
Red Deer AB T4R 2J3

To the Mayor and Members of Council,

As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including workplaces. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region. It is my understanding that results showed very strong support for a ban on smoking in places where children go.

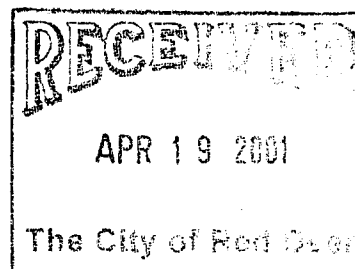
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Sincerely,

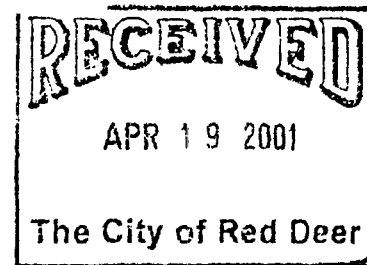


Gerry Paradis



18th April, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4



To the Mayor and Members of Council,

As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including workplaces. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region. It is my understanding that results showed very strong support for a ban on smoking in places where children go.

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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,

Dr. Peter Crow
Science Department
Red Deer College

April 18, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

To the Mayor and Members of Council,

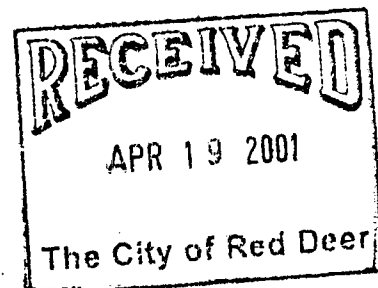
As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including workplaces. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region. It is my understanding that results showed very strong support for a ban on smoking in places where children go.

There is good scientific evidence that second hand smoke poses a very real health risk to everyone young and old. Steps need to be taken to reduce or eliminate our exposure to this hazardous substance, especially in public places. Municipal governments have a mandate to enact legislation to help protect the health of citizens. A bylaw of this nature would serve to reduce the risks associated with involuntary exposure to second hand smoke for non-smokers, those people who have health conditions aggravated by second hand smoke and children.

I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,

Jada G Morris, PhD
Psychology Instructor at Red Deer
College



April 17, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

To the Mayor and Members of Council,

As a concerned citizen, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including workplaces. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region. It is my understanding that results showed very strong support for a ban on smoking in places where children go.

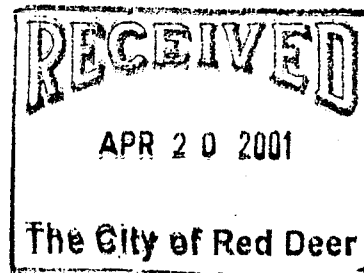
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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,



Connie Walker-Dymianiw



April 17, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

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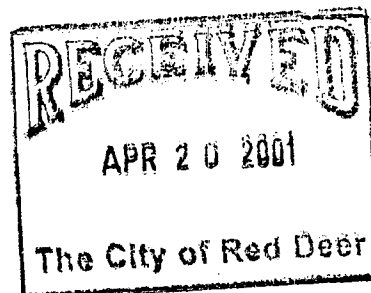
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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,



Crystal Tucker



April 17, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

To the Mayor and Members of Council,

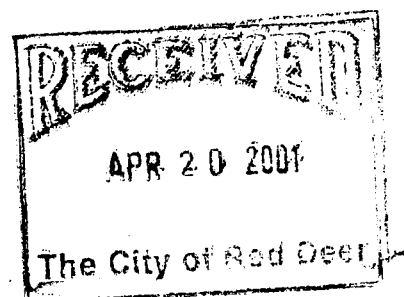
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There is good scientific evidence that second hand smoke poses a very real health risk to everyone young and old. Steps need to be taken to reduce or eliminate our exposure to this hazardous substance, especially in public places. Municipal governments have a mandate to enact legislation to help protect the health of citizens. A bylaw of this nature would serve to reduce the risks associated with involuntary exposure to second hand smoke for non-smokers, those people who have health conditions aggravated by second hand smoke and children.

I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,


Linda Sawula



CENTRAL ALBERTA WOMEN'S OUTREACH SOCIETY

4808 51 Ave, Red Deer, AB T4N 4H3

Phone: (403)347-2480 Fax (403)343-0302 email: outreach@telusplanet.net

Mission: The Central Alberta Women's Outreach Society is committed to providing programs and services that support women and their families who may be experiencing difficulties in meeting their basic needs. Our priorities are families affected by poverty and/or abuse.

April 12, 2001

Red Deer City Council
C/o Red Deer City Hall,
P.O. Box 5008,
Red Deer, Alberta T4N 3T4

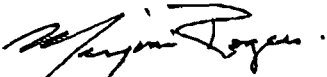
To the Mayor and members of City Council:

As a health professional and community worker in a not-for-profit agency, I am writing this letter to voice my support for banning smoking in public places and in particular those places accessible to children including work places. I am aware of a recent survey done by the City of Red Deer in partnership with David Thompson Health Region. It is my understanding that results showed very strong support for a ban on smoking in places where children play and live.

There is good scientific evidence that second hand smoke poses a very real health risk to the very young and elderly. Steps need to be taken to reduce or eliminate our exposure to this hazardous substance, especially in public places. Municipal governments have a mandate to enact legislation to help protect the health of its citizens. A bylaw of this nature would help to reduce the risks associated with involuntary exposure to second hand smoke for non-smokers.

I am fully supportive of any bylaw that will reduce exposure to second hand smoke by our community. It is my hope that with the encouragement of so many residents and agencies in our community that as Mayor and elected Council members you will act quickly and decisively on this issue.

Sincerely your,



Marjorie W. Rogers
Executive Director

April 18, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

To the Mayor and Members of Council,

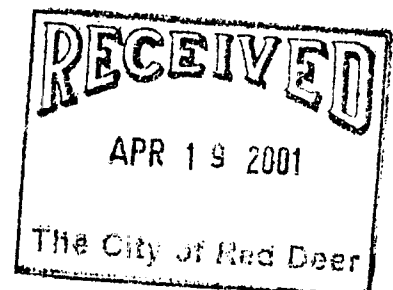
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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,

Barbara McLeod
Psychology Instructor
Red Deer College



April 18, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

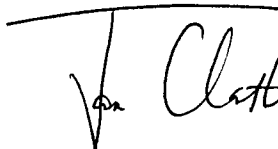
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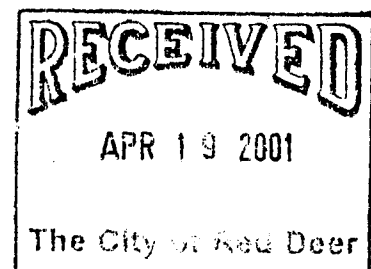
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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,



JAN CLARKE
SOCIOLOGY INSTRUCTOR
RED DEER COLLEGE



April 18, 2001

Red Deer City Council
c/o Red Deer City Hall,
P.O.Box 5008,
Red Deer, AB T4N 3T4

To the Mayor and Members of Council,

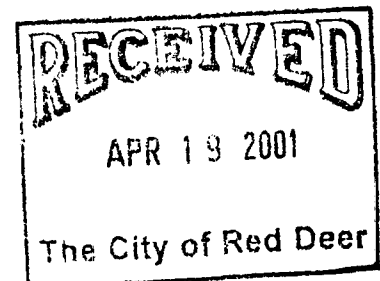
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I am fully supportive of any bylaw that will reduce my involuntary exposure to second hand smoke in public. It is my hope you will act quickly on this issue.

Sincerely,

Clare Westcott
Instructor of Spanish
Red Deer College



cc: Council - for your info. only.
Environmental Advisory Board

Canadian Federation of University Women
Red Deer and District



may 23,
2001

FILE

#305 4614 47A Ave
Red Deer, AB, T4N3R4
May 23, 2001

Red Deer City Council
Red Deer City Hall
Red Deer, AB

Dear Members of Council,

The Canadian Federation of University Women (CFUW) is a non-partisan organization of over 10,000 women across Canada and of more than 400 in the six Alberta clubs. Since its founding in 1919, members have been active in public affairs, working to improve status of women, peace, human rights, education, justice and the environment.

The members of (CFUW-Red Deer and District), often locally referred to as the University Women's Club, support your efforts in proposing a by-law for the City of Red Deer that would expand the number of smoke-free public establishments.

We commend the City of Red Deer and the Boards of Education in city for their initiative in establishing smoke-free policies in so many public buildings. Research has provided such convincing evidence of the hazards to health from the effects of environmental tobacco smoke (ETS) that we feel these policies should be expanded. Considering especially the vulnerability of children to ETS we urge the City to consider establishing a by-law that would prohibit smoking in public buildings in which persons under the age of 18 are likely to frequent.

We are pleased that the management of the two large Malls in the City of Red Deer have become enlightened and have made their establishments smoke free. It was our concern that many of our children as well as the staff members were exposed to the effects of the toxic ETS that was previously so prevalent there. Not only is their health now being protected, but the message is being conveyed that smoking is socially unacceptable in public places.

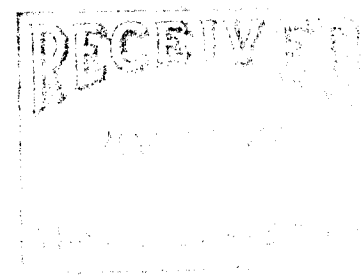
The publication of the businesses that are registered in the Smoke Free Business Registry is an appreciated source of information and we hope it is readily available to citizens at a convenient location.

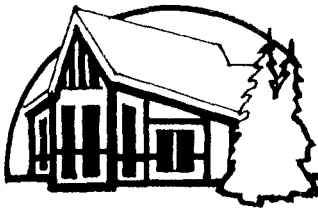
We would also urge that City of Red Deer to support the Alberta Tobacco Reduction Alliance resolution and all of its objectives.

Sincerely,

Merla W. Gibson

Merla Gibson, President





Balmoral Bible Chapel

R.R. #2 Red Deer, Alberta, Canada T4N 5E2 (403) 347-5450

May 10, 2001

The City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

Dear Mayor Surkan:

At the May 9th meeting of the Red Deer Ministerial Association we voted unanimously to convey our support to city council for the proposed Bylaw to ban smoking in public places and in particular those places accessible to children including workplaces.

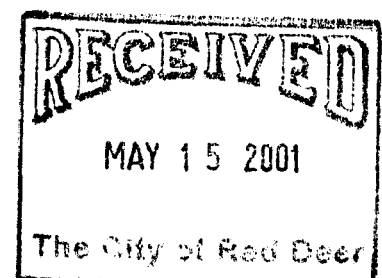
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We are fully supportive of any bylaw that will reduce our involuntary exposure to second hand smoke in public. It is our hope you will act quickly on this issue.

Sincerely,

Fred T. Lane, Secretary
On behalf of the Red Deer Ministerial Association

cc: Rec, Parks & Culture Manager



Joni Baillie

From: Christine Kenzie
Sent: May 28, 2001 11:22 AM
To: Joni Baillie
Subject: Anti Smoking Bylaw

I received a phone call from a Mr. Lyle Richardson today who called to say that he was in favour of the City pursuing an anti-smoking bylaw in public places. He encourages the City to continue with the bylaw and all of his family are in favour of it.

I thought I would pass this on to your department.

*Christine Kenzie
City Clerk's
342-8140*

Summary of Key Questions

Public Opinion Survey on Secondhand Smoke within the David Thompson Health Region (DTHR)

The survey conducted in Red Deer was similar to other surveys conducted on public opinion about ETS in both Edmonton and Calgary. In order to compare urban and rural perspectives, a random sampling of 699 DTHR residents was purposefully split between residents living in Red Deer (340) and those living outside of Red Deer (359). There were few overall differences in opinion between rural (outside Red Deer) and urban (Red Deer) respondents.

Survey Questions:

The first 9 pages of the survey describes the survey methodology, the questionnaire itself, the method of sampling to select respondents, how the survey itself was conducted, and the demographics of the population surveyed including their smoking status.

Smoking in Public places (page10, Table 13)

Respondents were asked if they usually request the smoking or non-smoking sections in a restaurant that provides a choice.

Place of residence or gender was not a factor influencing the responses of respondents.

The majority of respondents, 65.8% overall (66.7% urban/ 64.9% rural) choose the non-smoking section. 13.2% choose the smoking section, 6.7% don't care which section they sit in and 14.3% will make their decision based on who they are with.

This may indicate that a significant majority (21%, - 6.7+14.3% - in addition to the 65.8% who choose non-smoking sections = 86.8%) of current restaurant patrons likely won't change their patronage habits if smoking bans are put into effect.

This means minimal potential is likely for a negative financial impact on restaurant owners if a smoking ban is implemented.

Places Avoided Because too Smoky (page 11, Table 14)

Table 14 shows the percentages of people who avoid places because of the secondhand smoke. (See Table)

Overall less than 40% of respondents said they avoided places because of ETS, except for bowling alleys (44.6%).

Women were more likely than men to avoid places because of ETS. There were no significant differences between rural and urban respondents.

Smokers are not likely to avoid places due to the smoke.

There is a possible gap in information here. Do the numbers reflect peoples' desire for smoking in the places listed? What about people who might have preferred a non-smoking environment, but because there was no option to choose a smoke-free environment among the places listed at the time of the survey chose a smoking environment rather than not go out at all? For these people the choice became to go out or not. There was no option to go out to a smoke-free venue.

Places Avoided Because Smoking is NOT Allowed (page 12, Table 15)

Overall the percentage of respondents who avoid places because smoking is not allowed is much smaller than in the previous question at below 12% overall. (About 40% of respondents reported avoiding places because they were too smokey.) This may in part reflect the preference of smokers themselves as it's likely that non-smokers would not avoid a non-smoking environment.

Support for Smoking Restrictions (page 13, Table 17)

In order to gauge support for smoking bans in places accessible to the public respondents were asked to agree or disagree with a ban in a variety of places. Table 17 shows the percentage of respondents who would agree or strongly agree with smoking bans. The table shows a majority of respondents' support smoking bans.

Only four types of establishments listed had less than 70% support for a smoking ban:

- | | |
|-------------------------|--------|
| a) Bowling Alleys | 68.7% |
| b) Restaurants | 57.7% |
| c) Clubs or night spots | 57.25% |
| d) Pubs | 56.5% |
| e) Bars/Lounges | 56.1 % |

Of these restaurants and bowling alleys are likely to be frequented by children.

Smokers were less likely to support smoking bans in any venue.

There were no big surprises here, there was more support for bans in places frequented by children than places considered adult only establishments.

This is the question that indicates respondents support for actual restrictions, legislation or rules.

Support for Smoking Bans in Outdoor Areas (page 14, Table 18)

There was less support for bans outdoors.

There was good support for restricting smoking at access/ entrances to buildings (72.7%)

There was very strong support for restricting smoking on all school property (88.4%)

Impact on Business (page 15, Table 19)

Business owners are very concerned with any legislation they feel could have a negative impact on their business. Respondents were asked how their patronage of certain businesses might change if smoking restrictions were in effect. Table 19 shows the answers given broken down by gender and smoking status.

To provide an overall picture, I have combined the information from both male and female respondents.

If smoking bans were in place, the majority of respondents stated they would continue to frequent the following establishments more or the same amount:

- | | |
|---------------------|--------|
| a) Food Fairs/Malls | 86.25% |
| b) Restaurants | 85% |

These places showed the most support, and interestingly they are the places listed where children/ families have access.

The rest of the places listed are places frequented mostly by or restricted to adults and bans have less support.

Influence of Smoking Ban on Patronage by Smoking Behavior (page 16, Table 20)

Not surprisingly, smokers said their usage of all facilities would stay the same or decrease (not increase) if bans were in place.

Non-smokers said their patronage would stay the same or slightly increase overall except in bars, nightclubs, racetracks etc. This fits with findings from previous questions.

How Would Smokers React to More Restrictions -by Smoking Status (page 17, Table 23)

65.5% of smokers said they would go along with restrictions compared to 10.1% who said they would ignore restrictions and smoke where they wanted to.

This question indirectly addresses the enforcement issue around restrictions and seems to indicate that enforcement will not be a big problem, most will simply abide by any new restrictions.

This has certainly been the case in the experience of bylaws officers in Red Deer to date with current restrictions under the Health Bylaw, and has been the case with smoking bans in other locales.

The responses given by never and former smokers indicate how they think smokers will respond to restrictions.

Protecting Children from Secondhand Smoke (page 18, Table 24)

Both smokers and non-smokers (88.3% overall) strongly supported more restrictions to protect children from ETS. Laws prohibiting smoking in public places where children go would be supported by the majority of respondents (79.8% overall). About 71% of smokers strongly agree or agree with more restrictions to protect children.

This is a key question. Even though there is only moderate support for more rules/legislation as described under Table 17, there appears to be an exception where children are concerned. Restrictions protecting children have strong support, even among smokers.

Protecting the Public from Secondhand Smoke (page 19, Table 25)

Respondents were asked who they felt should be involved in activities to protect the public from secondhand smoke.

Non-profit organizations and the health region were viewed as the ones most responsible. Most respondents viewed protecting the public from ETS the responsibility of municipal governments (75%) rather than the provincial government (71.4%). This appears to address the need for and support from the public for our City Council to take action on this issue.

Enforcement of Smoking Restrictions (page 19, Table 26)

This question asked who should be responsible to enforce smoking restrictions in the community. Overwhelmingly owners/ managers of establishments were identified as those who should 'police' the restrictions in their own establishments (82.7%).

This fits with what happens now, any problems that arise when an owner/ manager doesn't respond to complaints from patrons in their establishments have then been handled by bylaw officers. They report that once education has been provided to the 'offender' (whoever that is — owner, patron etc.) that compliance rates are very high.

They report that no charges have been laid to date under the current Health Bylaw.

The rest of the document deals with the knowledge of respondents about the health consequences of smoking and exposure to ETS, DTHR policy around smoking restrictions and support for cessation.

Executive Summary

Public Opinion Survey on Secondhand Smoke within the David Thompson Health Region (DTHR)

Background:

In the fall of 2000, The City of Red Deer in partnership with David Thompson Health Region (DTHR) and in consultation with Red Deer Chamber of Commerce conducted a public opinion survey on secondhand or Environmental Tobacco Smoke (ETS).

The City of Red Deer was interested in gathering public opinion and the DTHR had identified the need for collecting data on the impact of tobacco use within the region.

The City felt that this survey would be an excellent complement to previous public input it had received on this issue through:

- a stakeholders forum with representatives from the health industry, Chamber of Commerce, restaurants, ATRA, hotel industry, shopping malls, and the Environmental Advisory Board (EAB);
- a public forum on May 3, 2000 which included a panel of experts and a question and answer session for citizens to voice questions, concerns and suggestions;
- 35 letters from citizens and business outlining their concerns and opinions on a smoking ban in some indoor public places; and
- a collection of 531 signatures by young people supporting a smoking ban in all public places accessible to children.

Contracting the Calgary Regional Health Authority Health Systems Analysis Unit to conduct a region-wide telephone survey provided an opportunity for both parties to gain valuable insight and information. The Health Systems Analysis Unit analyzed the data and produced a final report on the findings of the survey.

The survey conducted in Red Deer was similar to other surveys conducted on public opinion about ETS in both Edmonton and Calgary. In order to compare urban and rural perspectives, a random sampling of 699 DTHR residents was purposefully split between residents living in Red Deer (340) and those living outside of Red Deer (359).

Survey Highlights:

1. Both smokers and non-smokers (88.3% overall) strongly supported more restrictions to protect children from ETS. Laws prohibiting smoking in public places where children go would be supported by the majority of respondents (79.8% overall). About 71% of smokers strongly agree or agree with more restrictions to protect children. Respondents were also particularly supportive of smoking bans in daycare centers (95.7%), hospitals (89.6%) and nursing homes (80.5%).
2. About 40% of respondents reported avoiding places because they were too smokey. A much smaller percentage (10% overall) stated they would avoid places if smoking was not allowed.
3. If smoking bans were in place, the majority of respondents stated they would continue to frequent the following establishments more or the same amount:

a) Food Fairs/Malls	86.25%
b) Restaurants	85%
c) Bowling Alleys	68.7%
d) Clubs or night spots	57.25%
e) Pubs	56.5%
f) Bars/Lounges	56.1 %

While smoking restrictions to protect children are strongly favored by the respondents, restrictions in adult-only establishments are not as favored at present.

4. All indoor areas listed in the survey had in excess of 65% support for imposed restrictions, such as a smoking ban, except for:

a) Bowling Alleys	59.7%
b) Restaurants	57.7%
c) Billiard Halls	41.4%
d) Bars and lounges	31.3%
5. There was somewhat less support for smoking bans in outdoor places **except on school property**. Overall, 88.4% of respondents supported smoking bans on school property.
6. There were few overall differences in opinion between rural (outside red Deer) and urban (Red Deer) respondents.

Next Steps:

The Environmental Advisory Board (EAB) will now review the results of this survey and all public input received prior to the survey. The EAB may also choose to solicit more public input on this issue.

After reviewing all related material, the EAB will recommend a course of action to Red Deer City Council.

Possible courses of action include:

- leaving the issue alone as it exists today—do not consider any municipal intervention;
- drafting a bylaw to ban smoking in all enclosed public places; and/or
- drafting a bylaw to ban smoking in all enclosed public places where minors are permitted;
- encouraging voluntary compliance initiatives implemented by businesses; and
- referring the issue to province of Alberta for consideration of legislation.

City Council will then make a decision on the issue of environmental tobacco smoke in public places.

**AUMA Draft Resolution
May 23, 2001**

After considering the processes some Alberta municipalities have gone through to enact different bylaws to restrict smoking in indoor public places, The City of Red Deer, encourages other municipalities to support a resolution asking the province of Alberta to enact provincial legislation that would provide consistency and uniformity in regulating smoking in indoor public places.

Whereas, second hand smoke is a health hazard;

Whereas, nicotine is a highly addictive substance;

Whereas, it is desirable that all restrictions on tobacco use be consistent across the province; and

Whereas, the use of tobacco costs Albertans millions of dollars in health care cost annually;

Now Therefore Be It Resolved, that the Province of Alberta be requested to draft appropriate legislation to protect Albertans from the dangers of second hand smoke.

Comments:

It has been our practice to intervene and regulate in those areas where generally the public has limited or no choice and it is for the benefit of the public good. For example, the Noise Bylaw strives to maintain a quality of life for the entire community. It would not be reasonable to expect a resident to move when they are affected by excessive noise levels from a neighbor. The resident has limited choice and for the public good a bylaw is in place to ensure a reasonable protection from excessive noise.

With respect to smoking in certain public places such as restaurants and other private commercial facilities, the public does have choice and can exercise that choice by choosing another restaurant, etc.

A move into relegation of behavior areas where the public does have a clear choice, such as restaurants and other commercial establishments is a significant shift in practice related to regulation of public safety or quality of life issues.

The City's existing Health Bylaw regulates smoking in those public areas where the public has limited or no choice. These areas include places of public assembly, common public areas and taxis. The existing smoking regulations for establishments with a seating capacity greater than 20 would not be consistent with a practice of not regulating where the public has choice.

While we acknowledge the important public health issues embedded here, we believe that Council should give careful consideration to any regulatory move into this discretionary area. Should Council not wish to change its practice relative to the regulation of supporting public safety, we recommend an alternate strategy involving working with the stakeholders such as the David Thompson Health Authority, the Chamber of Commerce, etc. to establish guidelines for a voluntary smoke free program, and a promotional program for those businesses that join, to provide additional incentive by way of publicity to voluntary participation. In addition, the progress of voluntary participation be tracked in detail to monitor the progress over a period of two years.

In addition, we recommend that to be fully compliant with the existing policy position of regulating those areas where the public does not have a choice, we include health care and educational facilities within our current health bylaw. We acknowledge that the practical impact of that would not be to increase the number or type of facilities currently smoke-free because educational and health care facilities have already made this move on a voluntary basis consistent with our existing policy.

Further, we agree with the recommendation that Council draft and forward a resolution to AUMA seeking province-wide regulation in this area. We direct though that the Province have regulations relating to public health in all areas.

Comments – Continued ...

Should Council be uncertain as to the best way of proceeding at this point, we acknowledge that there may be an opportunity to gather further public input by way of a plebiscite during the next civic election. A plebiscite should only be considered however, if Council is of the view that the survey was not adequate in obtaining input from the community or that an additional opportunity should be provided for stakeholders on both sides of this issue to make their case directly with the public.

“G. D. Surkan”
Mayor

“N. Van Wyk”
City Manager

Sam Denhaan

3314 - 44A Avenue
Red Deer Alberta, T4N 3J8
Canada

Home Phone (403) 341-5491
Email sdenhaan@telusplanet.net

To Kelly Kloss Clerk City of Red Deer.


June 3 2001

Re: Recommendation from City Environmental Advisory Board on Smoking in Public Places.

Dear Mr. Kloss:

Please ensure that a copy of this letter is distributed to the mayor and all the members of city Council as soon as possible.

Yours sincerely
Sam Denhaan.


341 5491

Sam Denhaan

3314 - 44A Avenue
Red Deer Alberta, T4N 3J8
Canada

Home Phone (403) 341-5491
Email sdenhaan@telusplanet.net

To the Mayor and Members of Red Deer City Council.

June 3 2001

Re: Recommendation from City Environmental Advisory Board on Smoking in Public Places.

Ladies and gentlemen:

I am writing in reply to the media report on a memo to Council by Mayor Gail Surkan and City Manager Norbert Van Wyk recommending a voluntary no smoking program. The memo cautions against legislation in discretionary areas. It assumes that the public has a choice to enter smoking establishments.

This memo and its recommendation must be challenged for several reasons.

- The public often has no choice to enter smoking establishments which can be adjacent to so called "non smoking areas" which, because there is no effective separation, are contaminated by second hand smoke, which often drifts over large areas. A clear example exists in the Zeller's Store in Bower Mall. This store was opened new last year with a new restaurant. There is no separation in place and the smoke drifts into the non-smoking area and other areas of the store and into the mall (which previously declared itself smoke free). There has been much complaint about this but nothing has been done to date. This voluntary arrangement does not work.
- As a positive example the Bower Mall has made a special smoking room next to the food court ventilated to the outside. There have been no complaints from the merchants and we are now able to eat in the food court.
- I am aware of the position by the Red Deer Chamber of Commerce against smoking regulation. I presume that the bars and casinos and other places dependent on heavy smokers had a large influence. Stores in general prefer no smoking. The Chamber is perhaps concerned about loss of business, and possible cost of remodeling to make their places safe from second hand smoke for staff and non smokers. Since other public places such as Government buildings and hospitals have already gone smoke free, the Chamber members should also do their duty to protect the public
- Although I was not contacted, a phone survey by the Health Region showed that 80% of people support a ban on smoking in places open to children. I would have voted with the 80%, and insist that this survey be taken seriously into account.
- There are many municipalities in Canada who have already adopted the smoke free regulation, and it appears to be accepted without major problems. Red Deer, which counts itself a progressive community, should do likewise.

Please enact the required bylaws to make public places smoke free without further delay.

Yours sincerely
Sam Denhaan.



Phone 341-5491

June 1, 2001

6760- 65 Avenue
Red Deer, A.B.
T4P 1A5

Memo to: Red Deer City Council

I am writing in regard to an issue that is very important to me, the use of tobacco products and the health hazards from environmental tobacco smoke.

I spend many hours working on designing and improving smoking cessation programming for children. Once a child starts using tobacco the difficult part starts for people in the community who work with children.

Education appears to be the key piece to helping the children in our community and City Council can take a step in this direction with the by-law before you. The community seeks the wise guidance of our Council in setting important standards for our entire community, including the larger community beyond our city boundaries. This includes the people who eat in our restaurants, provide employment, and use our services.

As a private citizen, I am encouraging City Council to make our city smoke free. Yes, it is a bold move, but one which would help our entire community take notice of the dangers of environmental tobacco smoke. Children do not have a choice, many adults working in places where smoking is presently allowed do not always have a choice - they need the job.

We need only look at the volumes of research on tobacco use to remind ourselves that smoking is not good for anyone. Perhaps the dangers are only brought to the forefront for some when the habit touches them personally, with the death or illness of a child or family member.

Children are starting to smoke at eight years of age. No, we can not control all areas of the community, nor can we control what goes on in people's homes. However, with a smoke free city we can set a standard for school boards to follow and for our business community to set the pace.

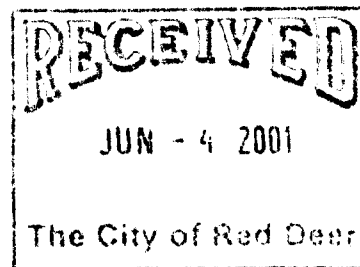
I thank you for your time and consideration in this critical matter. This is a great opportunity for Red Deer City Council to take the lead in Central Alberta. Please help keep our children healthy.

Respectfully,

A handwritten signature in cursive script, appearing to read "Joy".

Joy Dyson

attachment: Tobacco is a gateway drug.



You Should Know About

Tobacco as a Gateway Drug

Illegal drug use is rare among those who have never smoked and cigarette smoking is likely to precede the use of alcohol and illicit drug. (National Survey Results on Drug Use from the Monitoring the Future Study, 1975," The University of Michigan).

The amount of tobacco use is directly related to other drug use. Students whose low-level use of tobacco or alcohol increased to heavy-level use during follow-up interviews were more likely to begin using other substances or to increase their use of these substances than those who remained low-level users of tobacco or alcohol. (Bailey, 1992)

Among 12 through 17 year old adolescents who had never smoked, only 3 percent had binged (had five or more alcoholic drinks in a row) in the past 30 days, this compares with nearly 40 percent of daily smokers in this age group who had binged in the last 30 days. (NIDA, National Household survey on Drug Abuse, 1985)

Among young people 15 years of age, the initial use of cigarettes, alcohol or marijuana is the strongest predictor of later use of cocaine. (U.S.. Department of Health and Human Services, 1998)

Youth between the ages of 12 and 17 who had smoked in the past 30 days were 3 times more likely to have consumed alcohol, 8 times more likely to have smoked marijuana and 22 times more likely to have used cocaine than those who had not smoked cigarettes. (NIDA, National Household Survey on Drug Abuse, 1985)

According to former Surgeon General Jocelyn Elders, "What is notable about tobacco use is that it consistently occurs early in the sequence of problem behaviors. When a young person starts to smoke or use tobacco, it is a signal, an alarm that he or she may get involved in other risky behaviors. This is one of the few early warning signs we have in public health. If we can prevent tobacco use in the first place, we might have a big impact on preventing or delaying a host of other destructive behaviors among our young people."

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STAT:

Northeastern University • 300 Huntington Ave. • 241 Cushing Hall • Boston, MA 02115
(617) 373-7028 Fax: (617) 369-0100 email us: info@stat.org

The Lessons of Underage Nicotine Use

When young people are able to use nicotine, they learn how to use a drug.

Nicotine is a powerful psychoactive drug that is highly addictive. It is more addictive since the cigarette companies have learned to manipulate the dose of nicotine delivered and add chemicals to disguise the negative effects of use. Spit companies have learned to control dose as well. Cigars let the flavors hide the toxicity. Youth are the sole source of new customers for tobacco companies. Only 5% of their new customers are over age 21.

Individuals must learn how to use nicotine products. Drug abuse does not come naturally. Each tobacco product requires practice to overcome the nausea and dizziness and disorientation that result from the first use of these highly toxic products. Today's gentler, kinder tobacco companies have, however, made it easier for young people to use by modifying the product and disguising the side effects.

Like other drug use, all tobacco use is ritualized behavior – tapping the cigarette from the pack, lighting it and inhaling are highly stylized statements. Spit and cigar use have their own rituals. This can be self-soothing, self-medicating behavior.

Young people learn the drug effects of tobacco. At first the effects are unpleasant and distasteful, then become recognizable and acceptable, until at last they are ritualistic and necessary to normal functioning.

Youth learn to recognize the "kick" from the first cigarette of the morning. They recognize the nervousness, anxiety, and tension of withdrawal and learn to end it with nicotine use.

With nicotine, youth learn about drug-taking behavior and addiction.

Because it is illegal and often forbidden, youth may learn to use tobacco secretly. They can disguise the odor with essential oils, colognes, or mouthwash. They learn to hide their nicotine and they learn to smoke in "safe" places. They recognize that their nicotine (drug) use sets them apart.

Youth develop habits around their tobacco use. Strong emotional and social connections develop with people, places and activities where they use tobacco. Smoking and spit use becomes connected with activities. "I love to smoke/spit after meals" "I love to smoke/chew when I'm with friends." "It is comforting to smoke when I'm lonely or depressed."

Emotional and social connections are an essential part of life and only a problem when the connection is to a drug that is guaranteed to cause addiction, disease, disability and death to its user.

Smoking or spit use or cigar use provides a conversation starter and a peer group. Use of specific products allow the user to make a statement about who they are – the tobacco companies have developed powerful ads that create the product's image. Want to claim rugged independence, smoke Marlboro. Want to be an in-your-face rebel, use Camels. Want to obnoxious, use Winstons. If you're African-American, Kools and Newports are the

tobacco products for you.

Smokers and spit users learn to develop awareness of their drug supply. In many rural areas of the country, smokers and spit tobacco users do not go home until they are certain they have sufficient nicotine for morning use. Youth learn to budget money, plan ahead, and assure a constant drug supply.

Young people learn to minimize as well. "It's only tobacco. It's not like I'm using heroin or cocaine." They rationalize their tobacco use. "I only use when I'm stressed. I'll quit when things are calmer, more settled, when I get into college, when I get a job. . ."

They learn the denial of addiction from nicotine as well. Young people often wrongly assume that because they don't use daily, they are "not" addicted to tobacco. They are "wrong." Any regular use of nicotine among the young can lead to addiction to this drug – made more addictive because of the research of the tobacco cartel into better delivery of nicotine to the brain.

The most important lesson, young people and all users learn is that addiction to nicotine is not a matter of choice but of compulsion and dependency.

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You Should Know About

Tobacco Use Prevention: A Local Issue

It is crucial that local governments take action to prevent youth tobacco use. The greatest success for the pro-health tobacco movement in the past decade has happened almost exclusively at the local level. Local elected leaders have a responsibility to their constituents and are accountable for the health needs of their community. They may also be less swayed by the influence of the tobacco industry than state or federal elected officials. Municipal officials are in a unique position to create policy and mobilize resources.

There are many reasons to regulate tobacco and youth access at the local level:

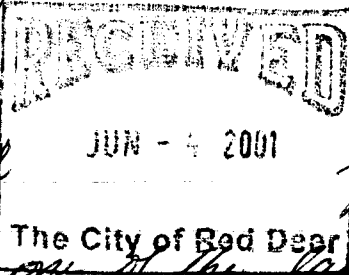
1. Communities design their policies to address the unique needs of their locality
2. Policy is established in the interest of the community's health and supported by local health authorities, with the primary opposition coming from the tobacco industry, an outsider interfering in local issues
3. Most businesses affected by tobacco policies are local, so it is preferable to regulate them at the community level
4. Social attitudes are deep rooted and change occurs best at the community level rather than at the state and federal levels; ordinances reduce the social acceptability of tobacco use
5. Community awareness of tobacco issues is greatly increased by local media coverage of the regulation process
6. Involving the community in policy development enhances community education and participation; this does not occur around most state and federal policies
7. Communities access existing local resources to help develop and implement youth access policies
8. Compliance with a local ordinance is easier to achieve because enforcement agents are local and easier to contact to register a complaint
9. Compliance with local law is higher due to greater public knowledge of local ordinances

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Her Worship and city council



June 1st/2001

I would like to address ~~on~~ ^{of} the latest issues to come before our elected city officials. Smoking! I am equally concerned over yet another law and further legislation against private citizens and business owners.

At this time the issue is purportedly smoking where and how!

It's not about smoking! It's all about control and is very alarming.

Gun laws, smoke laws, pesticide laws, garbage laws, seat belt laws and on and on ad infinitum.

You get the picture.

We are a population already stressed and overwhelmed by the demands of today's expectations and lifestyles.

Not all do gooder lobbyists are self serving fanatics inciting ill feeling, rifts and division among people. However, personal choices and freedoms are being erased in the name of your 'brother's keeper' and we're all in danger of becoming non entities and more like the flock whose organs may soon replace our own!

I choose not to frequent those establishments who do not serve my needs. Pretty soon there will not be a choice.

Private businesses have the right to a choice.

This is their livelihood, their labour and their investment. City hall has no business in their business.

Please assess this issue very carefully. We are the taxpayers. As they say in Scotland "we are the people".

Thank you for listening. Nathani Kotte

(2)

June 1st/2001

Regarding David Thompson Health Region - D.T.H.R.
Now to D.T.H.R. employees.

This board as I understand was formed to
improve the physical working and management
of regional health care facilities. To make order
out of chaos.

Each board member as a private individual has
the right as I do to voice their concerns.

Collectively and using the name D.T.H.R. to
influence or sway city hall is outrageous and
unacceptable. Another example of big brother.
Please address this issue.

Again
thank you.

Leathanne Kotke
342 4077.

**CONSOLIDATION OF A BY-LAW OF THE CITY OF LETHBRIDGE
TO REGULATE SMOKING WITHIN THE CITY OF LETHBRIDGE**

WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) is a health hazard or discomfort for many inhabitants of the City of Lethbridge;

AND WHEREAS the community desires an environment where the exposure to environmental smoke is the exception as opposed to the norm;

AND WHEREAS it is desirable in the interest of promoting the health, safety and welfare of the inhabitants of the City of Lethbridge to prohibit or regulate smoking, or both, in the City of Lethbridge as hereinafter set out;

AND WHEREAS City Council intends to prohibit smoking in all enclosed public places where minors are permitted by January 1, 2000.

***NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF LETHBRIDGE,
DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:***

DEFINITIONS

1. In this By-law:

- (a) "AMUSEMENT FACILITY" means development for amusement pastimes and may incorporate entertainment establishments as an accessory use. This term refers to uses such as billiard parlours, bingo halls and bowling alleys for more than 40 people;**
- (b) "CITY" means the City of Lethbridge;**
- (c) "ENTERTAINMENT ESTABLISHMENT" means development providing dramatic, musical, dancing or cabaret entertainment and/or facilities for alcoholic beverage consumption, and include supplementary food service. This term refers to uses such as theatres, cinemas, auditoriums, beverage rooms, cocktail lounges, cabarets, nightclubs and theatre restaurants for more than 40 people;**

(d) **"LETHBRIDGE COMMUNITY COLLEGE BUILDING" means:**

- (i) **a building located on the Main Campus;**
- (ii) **a building or portion thereof not located on the Main Campus which is owned or occupied by the Board of Governors of the Lethbridge Community College;**

(e) **"MAIN CAMPUS" means the lands legally described as:**

**Parcel 1: Meridian 4, Range 21, Township 8, Section 16
That portion of the North West Quarter which lies to the West
of the road Plan 3092 A.Z., containing 0.004 hectares (0.10
acres) more or less**

**Excepting there out all mines and minerals and the right to
work the same.**

**Parcel 2: Plan 8410811
Block 2**

Excepting there out all mines and minerals.

**Parcel 3: Plan 8410811
Block 1**

Excepting there out all mines and minerals.

(f) **"PATIENT CARE FACILITY" means a facility designated by the Minister of Health as a hospital, auxiliary hospital or general hospital and includes a nursing home or extended care facility;**

(g) **"PLACE OF PUBLIC ASSEMBLY" means a building or portion thereof used for the gathering together of persons for such purposes as deliberation, worship or business including the walkways of shopping malls but does not include a place where a private social function is being held;**

- (h) ***“PRIVATE SOCIAL FUNCTION” means a specific social event for which an entire room or hall has been reserved, at which attendance is limited to people who have been specifically invited or designated by the sponsor, and at which the seating arrangements are under the control of the sponsor of the event and not of the proprietor of the room or hall, but does not include events which are held primarily for the purpose of business, sales or education;***
- (i) ***“PROPRIETOR” means the owner, or his agent or representative, of the premises referred to in this By-law and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein;***
- (j) ***“PUBLIC BUILDING” means a building owned and operated by the City of Lethbridge;***
- (k) ***“RECEPTION AREA” means the public space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;***
- (l) ***“RESTAURANT” means a development where primarily food and beverages are prepared and served. This term refers to uses such as cafes, lunch and tea rooms, ice cream parlours, take-out restaurants and eating areas for more than 40 people;***
- (m) ***“RETAIL SHOP” means a building or part of a building, booth, stall or place where goods and/or services are exposed or offered for sale by retail, but does not include a place where the only trade or business carried on is that of a hotel or restaurant, nor a place where the only trade or business carried on is that of the custom blending of tobaccos, or sale of tobaccos, pipes, cigars, or smokers’ sundries;***
- (n) ***“SERVICE LINE” means an indoor line of two or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money, including, but not limited to, sales, provision of information, transactions or advice and transfer of money or goods;***
- (o) ***“SMOKE” or “SMOKING” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.***

RETAIL SHOPS

2. ***No person shall smoke in any retail shop except in a part thereof used as an office used by members of the staff.***
3. ***The proprietor of every retail shop shall ensure that a sign or signs, as prescribed by Section 28 or otherwise permitted by this By-law, shall be conspicuously posted so as to be clearly visible from all parts of each floor to which Section 2 applies.***

**PATIENT CARE
FACILITY**

4. ***No person shall smoke in any patient care facility except as permitted by the written policy of the proprietor.***
5. ***(a) The proprietor of a patient care facility may designate an area where smoking is permitted.***
(b) Where an area has been designated in accordance with Subsection (a), smoking shall be permitted in such area.
6. ***The proprietor of a patient care facility shall ensure that a sign or signs, as prescribed in Section 28, or its equivalent, shall be conspicuously posted so as to be clearly visible in a patient care area to which members of the public have access where smoking is permitted.***

**BANKS, FINANCIAL
INSTITUTIONS AND OFFICES**

7. ***No person shall smoke at any service counter in a bank, financial institution or office.***
8. ***In every bank, financial institution and office, the proprietor shall ensure that a sign or signs, as prescribed in Section 28 or otherwise permitted by this By-law, shall be conspicuously posted so as to refer clearly to the service counter referred to in Section 7.***
9. ***Subject to Section 10, no person shall smoke in any reception area in an office.***

10. (a) *The proprietor of an office may designate a smoking area in the reception area of the office (except for the reception areas of an office where services relating to health care are performed) provided that an area so designated may not exceed more than FIFTY (50%) PER CENTUM of the reception floor area and where so designated such area shall bear a sign or signs "SMOKING IN THIS AREA ONLY".*
- (b) *Where an area has been designated in accordance with Subsection (a), smoking shall be permitted in such area.*
- (c) *The proprietor of an office to which Section 9 and 10 apply shall ensure that the signs required by Subsection (c) and by Subsection (a) of Section 10, shall be conspicuously posted so as to designate clearly the areas in which smoking is or is not prohibited.*

**ELEVATORS AND
ESCALATORS**

11. (a) *Subject to Subsection (b), no person shall smoke in an elevator or on an escalator in any building or part thereof.*
- (b) *Subsection (a) does not apply to elevators, escalators or similar devices to which the Elevator and Fixed Conveyances Act, R.S.A. 1980, Chapter E-7, as amended from time to time, does not apply.*
12. *The proprietor of any building or part thereof to which Section 11 applies shall ensure that a sign or signs, as prescribed in Section 28 or otherwise permitted by this By-law, shall be conspicuously posted so as to apply clearly to the areas regulated by the said section.*

SERVICE LINES

13. *No person shall smoke in any service line on any premises.*
14. *The proprietor of any premises to which Section 13 applies shall ensure that a sign or signs, as prescribed in Section 28 or otherwise permitted by this By-law, shall be prominently displayed so as to be clearly visible to persons in the service line.*

BUSES

15. *No person shall smoke in a school bus or a City of Lethbridge transit bus.*
16. *In every school bus and City of Lethbridge transit bus, the proprietor shall ensure that a sign or signs as prescribed in Section 28 or otherwise permitted by this By-law, shall be conspicuously posted so as to be clearly visible from all parts of the bus.*

**PLACES OF
PUBLIC ASSEMBLY**

17. *Subject to Section 18, no person shall smoke in an enclosed indoor area being used as a place of public assembly.*
18. (a) *The proprietor of a place of public assembly referred to in Section 17, may designate an area, not to exceed FIFTY (50%) PER CENTUM of the total floor area to such place of public assembly, as a smoking area and where so designated such area shall bear a sign or signs "SMOKING IN THIS AREA ONLY".*
- (b) *Where an area has been designated in accordance with Subsection (a), smoking shall be permitted in such area.*
19. (a) *The proprietor of a place of public assembly to which Section 17 applies shall ensure that a sign or signs, as prescribed by Section 28 or otherwise permitted by this By-law, shall be conspicuously posted so as to be clearly visible from all parts of the place of public assembly.*
- (b) *The proprietor of a place of public assembly to which Section 17 and 18 apply shall ensure that the sign or signs required by Subsection (a) and by Subsection (a) of Section 18 shall be conspicuously posted so as to designate clearly the areas in which smoking is or is not prohibited.*
20. *Subject to Section 22, no person shall smoke in an enclosed indoor area being used as a public building.*

21. *The proprietor of a public building may designate an area as a smoking area and such area shall bear a sign or signs "SMOKING IN THIS AREA ONLY".*
22. *Where an area has been designated in accordance with Section 21, smoking shall be permitted in such area.*

LETHBRIDGE COMMUNITY COLLEGE BUILDINGS

23. *No person shall smoke in any Lethbridge Community College Building except in areas permitted by resolution of the Board of Governors of the Lethbridge Community College.*
24. (a) *A smoking area or smoking areas may be designated by resolution of the Board of Governors of the Lethbridge Community College and where so designated each such area shall bear a sign or signs "SMOKING IN THIS AREA ONLY".*

(b) *Where an area has been designated, in accordance with Subsection (a), smoking shall be permitted in such area.*
25. *The Board of Governors of Lethbridge Community College shall ensure that a sign as prescribed in Section 28, or otherwise permitted by this By-law, shall be conspicuously posted at or on the exterior entrances to all Lethbridge Community College Buildings so as to be clearly visible to all persons entering Lethbridge Community College Buildings.*

**RESTAURANTS,
LOUNGES, TAVERNS**

26. (a) *Subject to Subsection (c), no person shall smoke in an enclosed indoor restaurant.*

(b) *The proprietor of an enclosed indoor restaurant, referred to in Subsection (a), shall ensure that a sign or signs as prescribed in Section 28 or otherwise permitted by this By-law, shall be conspicuously posted so as to be clearly visible from all parts of the restaurant.*

- (c) *The proprietor of a restaurant may designate an area not exceeding FIFTY (50%) PER CENTUM of the total seating area of the facility as a smoking are and such area shall bear a sign or signs "SMOKING IN THIS AREA ONLY".*
 - (d) *Where an area has been designated, in accordance with Subsection (c), smoking shall be permitted in such area.*
 - (e) *The proprietor of a restaurant with a capacity of 40 or fewer patrons shall be required to elect whether smoking will be permitted and in the event that smoking is permitted, shall be subject to the provisions of Section 30.*
27. (a) *Subject to Subsection (c), no person shall smoke in an enclosed indoor amusement facility or entertainment establishment.*
- (b) *The proprietor of an amusement facility or entertainment establishment referred to in Subsection (a), shall ensure that a sign or signs as prescribed in Section 28 or otherwise permitted by this By-law, shall be conspicuously posted so as to be clearly visible from all parts of the amusement facility or entertainment establishment.*
 - (c) *The proprietor of an amusement facility or an entertainment establishment may designate an area not exceeding FIFTY (50%) PER CENTUM of the total seating area of the facility as a smoking area and such area shall bear a sign or signs "SMOKING IN THIS AREA ONLY".*
 - (d) *Where an area has been designated, in accordance with Subsection (c), smoking shall be permitted in such area.*
 - (e) *The proprietor of an amusement facility and entertainment establishment with a capacity of 40 or fewer patrons shall be required to elect whether smoking will be permitted and in the event that smoking is permitted, shall be subject to the provisions of Section 30.*

SIGNS

28. (a) *For the purpose of Subsection (b) the letter height means the actual height of the letter regardless of whether it is a capital or lower case letter.*

- (b) **Where, under a Section of this By-law, a sign is to be in accordance with this Section, such sign shall:**
- (i) **Carry the text "NO SMOKING" in capital or lowercase letters, or a combination thereof;**
 - (ii) **Consist of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel the lettering shall contrast to the background colour;**
 - (iii) **With respect to size of lettering, be not less than the following height based upon the maximum viewing distance in direct line of sight for:**
 - (a) **Ten (10') feet or less**
- letter height of One (1") inch;
 - (b) **Twenty (20') feet or less**
- letter height of two (2") inches;
 - (c) **Forty (40') feet or less**
- letter height of three (3") inches;
 - (d) **Eighty (80') feet or less**
- letter height of four (4") inches;
 - (e) **One hundred and sixty (160') feet or less**
- letter height of six (6") inches;
 - (f) **Two hundred and forty (240') feet or less**
- letter height of eight (8") inches;
 - (iv) **Include in the text at the bottom of each sign "CITY OF LETHBRIDGE BY-LAW 3896" in letters not less than one-half (1/2) of an inch in height for signs with letter size of one (1") inch, and not less than one-quarter (1/4) of the height of the letters on all other sizes of signs.**
29. (a) **Notwithstanding the provisions of Section 28, one of the following graphic symbols may be used to indicate "NO SMOKING AREA". Each symbol may include the text "CITY OF LETHBRIDGE BY-LAW 3896" in letter and figures at least FIVE (5%) PER CENTUM of the diameter of the circle in the symbol and there may be added appropriate symbols such as directional arrows.**

Any such symbol shall be on a white background with the circle and the interdictory stroke in red, with a cigarette, letters and figures in black, provided such symbol complies with the other provisions of this Section.



- (b) **With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in Subsection (a) shall be not less than the number of inches prescribed below, based upon the maximum viewing distance in direct line of sight, as follows:**
- (i) **Ten (10') feet or less - four (4") inches;**
 - (ii) **Twenty (20') feet or less - six (6") inches;**
 - (iii) **Forty (40') feet or less - eight (8") inches;**
 - (iv) **Eighty (80') feet or less - twelve (12") inches;**
 - (v) **One hundred and sixty (160') feet or less - sixteen (16") inches;**
 - (vi) **Two hundred and forty (240') feet or less - twenty-four (24") inches.**
- (c) **Notwithstanding that the symbol in Subsection (a) is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking equipment.**
30. **In any facility, place of public assembly, shop, building, restaurant or establishment where smoking is permitted, pursuant to the provisions of this By-law and the proprietor permits smoking, the proprietor shall conspicuously post on the entrance a sign at least EIGHT (8") inches in diameter advising all patrons that smoking is permitted in designated sections of the said facility, place of public assembly, shop, building, restaurant or establishment all as shown on Schedule "B".**

31. (a) **Notwithstanding anything contained herein to the contrary, no person after 12:01 a.m., January 1, 2000 shall smoke in an enclosed public premise where minors are allowed including: commercial establishments, places of public assembly, restaurants, and common public areas in other buildings which allow access to minors. There shall be no exemptions to the above smoking ban based upon seating capacity, or for any other reason. Smoking shall be allowed in adult-oriented establishments.**
- (b) **For the purposes of Section 31(a), the following definitions shall apply:**
- (i) **Adult-oriented Establishment: Any business including casinos, bingos, bars, lounges, and cabarets, where minors are not allowed or where entry by minors is prohibited by law;**
 - (ii) **Commercial Establishment: Any place or premises where goods or services are displayed, offered for sale or rental or sold or rented by retail or wholesale;**
 - (iii) **Minor: The definition for "minor" shall be consistent with the definition for "minor" contained within the Liquor Control Act of the Province of Alberta.**

PENALTY

32. **Any person who contravenes any provision of this By-law is guilty of an offence and on summary conviction is liable to a fine of not more than ONE THOUSAND (\$1,000.00) DOLLARS.**
33. (a) **Where any By-law Enforcement Officer believes that any person has committed a breach of any of the provisions of this By-law as set out in Schedule "A" hereto he may serve upon such person a notice or tag as provided herein.**
- (b) **Services of any such notice or tag shall be sufficient if it is:**
- (a) **Personally served;**
 - (b) **Served by double registered mail;**

- (c) ***Upon production of any such notice or tag within fourteen days from the date of service of such notice, together with the payment of the sum specified in Schedule "A" hereto to a person authorized by the Chief of Police of the City to receive such payment, an official receipt of such payment shall be issued, and subject to the provisions of Section 33(e) and 34 below, such payment shall be accepted in lieu of prosecution;***
 - (d) ***If the person upon whom any such notice or tag is served fails to pay the said sum within the time allotted, the provisions of Section 33(c) shall no longer apply;***
 - (e) ***Nothing in this By-law shall:***

 - (i) ***Prevent any person from exercising his right to defend any charge of committing a breach of any Section of this By-law.***
 - (ii) ***Prevent any person from laying an information or complaint against any other person (whether such other person has made a payment under the provisions of Section 33(c) or not) for committing a breach of any Sections of this By-law set out.***
34. ***Where any person has made a payment pursuant to Section 33(c) and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.***
35. ***It is the intention of the City Council that each separate provision of this By-law shall be deemed independent of all other provisions herein and it is further the intention of the City Council that if any provisions of this By-law be declared invalid, all other provisions thereof shall remain valid and enforceable.***

SCHEDULE "A"

Offence

Penalty

Smoking in a prohibited area

\$ 50.00

Failing to post a required sign

\$250.00

SCHEDULE "B"



Warning!

This area contains tobacco smoke which is known to cause **cancer, heart disease, lung disease**, and may harm your **baby**.

City of Lethbridge By-Law

FILE

DATE: May 9, 2000
TO: Environmental Advisory Board
FROM: City Clerk
RE: Canadian Property Rights Research Institute (CanPRRI)
Position on Proposed Smoking Ban in Red Deer restaurants

Attached is correspondence received from the Canadian Property Rights Research Institute presenting their position on the proposed smoking ban in Red Deer restaurants.

As the Environmental Advisory Board partnered with the David Thompson Health Region in facilitating a Clean Indoor Air Public Forum on May 3rd, I am referring this to the Board for its consideration in conjunction with any comments / results from the forum.

This item has not been forwarded for Council's consideration at this time, however, if the Environmental Advisory Board has any concerns, comments or recommendations, these will be brought to Council for consideration at a later date.

Thank you.



 Kelly Kloss
City Clerk

/fm

attch.



Canadian Property Rights Research Institute

PO Box 52099, 311 - 16 Avenue NE

Calgary, AB T2E 8K0

Tel: 877-480-5263 Fax: 403-250-9122

<http://www.propertyrights.net>

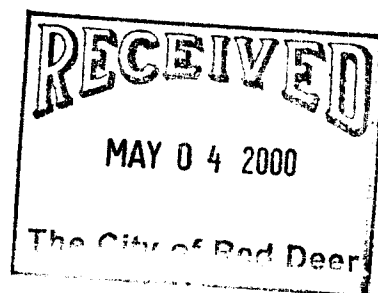
May 1, 2000

Mayor Gail Surkan
The City of Red Deer
P.O. Box 5008
Red Deer, Alberta T4N 3T4

Sent by facsimile to 403-342-8365

Original mailed

Re: Proposed Smoking Ban in Red Deer Restaurants



Dear Ms. Gail Surkan,

I am writing to introduce you to the Canadian Property Rights Research Institute (CanPRRI) and to put forward the Institute's position on the proposed smoking ban in Red Deer restaurants.

Founded in 1997, the Canadian Property Rights Research Institute is a non-profit, non-partisan, public policy research and educational institute headquartered in Calgary, Alberta with additional offices in Edmonton and Ottawa. The Institute seeks to broaden the parameters of public policy debate to allow for consideration of more mechanisms to define and defend property rights. Our mission is to research the role of the individual's right to own property in creating a free and prosperous society.

To this end, the Institute will:

- Perform and/or commission research and literature reviews on property rights questions and issues;
- Publish the results of such research in scholarly papers, books, articles, the media, and the Internet;
- Hold conferences for the presentation and discussion of papers and research for scholars, members of the public and the media; and
- Educate the public through articles, books, the media, and the Internet; and through school programs, curriculum materials, and teacher awareness seminars.

The Institute accepts no government funding or subsidisation and relies entirely on support from individual contributors and sponsors. The Institute's initiatives are administered by the Executive Director, who draws advice from the Board of Directors and the Advisory Board comprised of academics and business leaders across North America. The Institute is a non-profit group registered under the Societies Act in Alberta.

With respect to the proposed ban on smoking in Red Deer restaurants, the Canadian Property Rights Research Institute hosted events in Edmonton and Calgary on March 15th and 16th on the apparent conflict between public health and private property rights in the context of a proposed ban on all indoor public smoking. Edmonton Journal Columnist Lorne Gunter and visiting University of Oklahoma Professor of Philosophy Andrew Cohen were called upon by the Institute to answer the following important question: Can property rights settle public smoking disputes?

By way of an answer to this question, Mr. Gunter introduced his fascinating paper as follows:

"The proposed prohibition on smoking in indoors public places is a debate over boundaries: The boundary between public and private, and the boundary between the individual and the collective. Those who would see bars and restaurants as public places tend to believe government has a legitimate deciding vote to cast in a whole host of personal, private and interpersonal decisions. While those who would see such spaces as private, would most often wish to place severe constraints on the state and the scope of its action. The proposed smoking bans are based on a misunderstanding of the distinction between private and public property. Publicly accessible property is not the same as public property. The government must have limited regulatory control over non-criminal behaviour in private homes, for the same reason that they must have limited regulatory control over non-criminal behaviour in private businesses."

I think you would agree that the subject of Mr. Gunter's research paper is of great importance in providing clarity and balance to the current discussion of the alleged benefits of a smoking ban in Red Deer restaurants.

Dr. Andrew Cohen with the University of Oklahoma explains his equally important research on the same topic in the following abstract:

"Public policy debates often confuse what ought to count as a "public" policy. Injecting a healthy appeal to individual rights could help resolve disputes by carefully defining just what ought to fall within the public domain and the regulatory control of the state. The proposed smoking prohibitions in indoor public places is a case in point. Because smoking is allegedly unhealthy, government regulators feel legitimately empowered to control how, where, and when individuals may smoke. However, the alleged unhealthiness of smoking is no argument for severely limiting individual freedom and restricting private property rights. In fact, the institution of private property is the appropriate mechanism by which the private sphere or jurisdiction of citizens is defined. If this jurisdiction has no meaning to municipal, provincial and federal governments, the very foundation of liberal democracy is threatened."

Co-hosting the events were Member of Parliament Rahim Jaffer, Report Newsmagazine Publisher Link Byfield, University of Calgary Professor Tom Flanagan, Mitch Gray with the Canadian Taxpayers' Federation and many others. The event was sponsored by a broad section of the hospitality industry deeply concerned about financial losses and a loss of control over their private property.

It is my hope to appear before Red Deer City Council to more clearly outline the Institute's position on this matter. Please contact me directly at 1-877-480-5263 so that an appointment may be scheduled that accommodates your busy schedule.

Sincerely,

Matthew Johnston

Matthew Johnston
Executive Director
Canadian Property Rights Research Institute

PS -- A copy of the "Property Rights Policy Series" booklet has been enclosed as a sample of the research being produced by the Institute. Please contact the Institute for the complete research documents on smoking regulations vs. property rights.

A NOTE TO THE READER

The Interpretation of Property Rights by the Courts examines how property rights are dealt with in the Canadian legal system.

"The Entrenchment of Property Rights—Wisdom or Folly?" asks the question: Is it wise to turn the protection of property rights over to judges through the entrenchment of a constitutional guarantee? Knopff's answer is "No." Since constitutional entrenchment has become our way of indicating what we consider to be of highest importance, this opposition to entrenching property rights might be understood as a depreciation of their importance, but it is just the opposite. Knopff's reasons for thinking property rights are very important are essentially those of the founders of liberalism. He follows the same founders in believing that property rights, despite their central importance, are not absolute, and he derives some support for his own opposition to constitutional entrenchment from their failure to recommend or enthusiastically endorse it.

In "'Human Rights' in Conflict with Property Rights" Selick argues that, properly understood, "human rights" should not conflict with property rights. However, as the term has been used in law in recent years, it has resulted in frequent conflicts with property rights. This paper provides examples of four major areas where such conflicts have arisen and where genuine property rights have been, or are about to be, overridden by what the author describes as "pseudo-rights".

This publication is the second in the *Property Rights Policy Series*, edited by CanPRRI Managing Director M. Danielle Smith and Laureen Teskey of Page Creations Inc. provided graphic design. The series is intended to encompass or reflect papers and ideas explored at our conference *The Importance of Property Rights*. We appreciate the support of our conference sponsors Farm Business Consultants Inc., Western Stock Growers' Association, Atlas Economic Research Foundation, and the Alberta Barley Commission.

CanPRRI is a research and educational Institute that looks for solutions to public policy problems that protect the individual's right to own and enjoy property. Its Director commissions research, oversees the publication and distribution of books and articles, and provides lectures on property rights approaches. Additional copies of this paper are available from CanPRRI for \$5.00 each or you can download it directly from our Internet website at <http://www.canpri.org>.



Box 52099, 311 - 16 Avenue NE
Calgary, Alberta T2E 8K0

PROPERTY RIGHTS POLICY SERIES

The Interpretation of Property Rights by the Courts

"The Entrenchment of Property Rights: Wisdom or Folly?"

BY RAINER KNOPFF

"'Human Rights' in Conflict with Property Rights"

BY KAREN SELICK



ISSUE No. 2
AUGUST 1998



About the
Canadian
Property
Rights
Research
Institute

Founded in 1997, the Canadian Property Rights Research Institute (CanPRRI) is a non-profit, non-partisan, public policy research and educational Institute headquartered in Calgary, Alberta with the mission to research the role of the individual's right to own property in creating a free and prosperous society. CanPRRI seeks to broaden the parameters of public policy debate to allow consideration of more mechanisms to define and defend property rights.

In order to remain independent, CanPRRI accepts no government funding. The Institute relies on support from individual contributions and sponsors in commercial sectors. The Institute's initiatives are administered by the Managing Director, who draws advice from the Board of Directors and an advisory board consisting of qualified individuals representing academia, business, and the public. The Institute is a non-profit education institute incorporated under the Societies Act in Alberta.

The views expressed in this paper are the views of the author and may not reflect the views of the Institute's Board of Directors.

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BIOGRAPHIES

RAINER KNOPFF, professor of Political Science at the University of Calgary, has written widely in the areas of public law, human rights, and Canadian political thought. Books include *Human Rights and Social Technology: The New War on Discrimination* (with T. E. Flanagan), *Federalism and the Charter: Leading Constitutional Decisions* (with Peter H. Russell and F. L. Morton), *Charter Politics* (with F. L. Morton), and *Parameters of Power: Canada's Political Institutions* (with Keith Archer, Roger Gibbins, and Leslie A. Pal). Numerous articles and chapters, include contributions to such journals as *Canadian Journal of Political Science*, *Canadian Public Administration*, *Canadian Public Policy*, *Journal of Canadian Studies*, and *Publius: The Journal of Federalism*. Current research investigates how civil society and social capital in Canada are affected by populism and the politics of rights.

KAREN SELICK was born in Toronto. She obtained her LL.B. degree at the University of Toronto and was called to the Ontario bar in 1978. She spent several years as an in-house tax lawyer at a Canadian chartered bank, then moved to Belleville, Ontario where she has been engaged in practicing law since 1985. Her main areas of practice are family law, wills, and small business law. She is now a partner in the firm Reynolds O'Brien Kline & Selick. She writes a monthly column for *Canadian Lawyer* magazine and has been widely published in newspapers and magazines throughout Canada.

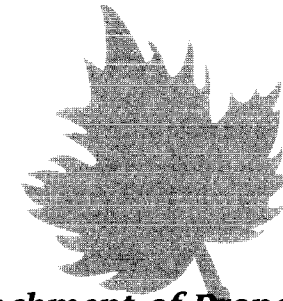
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Printed in Canada by McAra Printing.
(ISBN 1-894279-01-8)

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The Entrenchment of Property Rights: Wisdom or Folly?

RAINER KNOPFF

Canadian property rights advocates often wish their favoured rights could be entrenched in the Constitution. This may be a misplaced desire. In this paper, I suggest that it would be unwise to turn the protection of property rights over to judges through the entrenchment of a constitutional guarantee.

Since constitutional entrenchment has become our way of indicating what we consider to be of highest importance, such opposition to entrenching property rights might be misunderstood as a depreciation of their importance. That would be true of the New Democratic Party, but not of me. Thus, before explaining why entrenchment is unwise, I indicate why property rights are indeed of the highest importance. My reasons are essentially those of the founders of liberalism. I follow the same founders in believing that property rights, despite their central importance, are not absolute, and I derive some support for my own opposition to constitutional entrenchment from their failure to recommend or enthusiastically endorse it.

The Central Importance of Property Rights

Property rights were seen by their founders as a necessary response to the distinctively human psychic constitution. In their view, humans differed from other animals in at least three ways,¹ each of which pointed to a regime of property rights.

First, human beings are the only animals that can foresee their own deaths.

¹ My discussion of the first two ways relies heavily on Clifford Orwin and Thomas Pangle, "The Philosophical Foundation of Human Rights," in Marc F. Plattner, ed., *Human Rights in Our Time: Essays in Memory of Victor Baras*, 1984.

Other animals react instinctively and fearfully to life-threatening situations, but only humans live with a constant awareness of, and thus anxiety about, their mortality. According to the founders of liberalism, this distinctively human anxiety generates the most powerful, and thus irreducible, human desire, namely, the desire to postpone death and minimize the suffering that brings death nearer."² This is what John Locke labelled the desire for "comfortable self-preservation," or what Montesquieu called "that tranquillity of mind which arises from an individual's opinion of his security."³

In order to achieve this "tranquillity of mind"—or, at least, as much of it as is possible for a being that can anticipate its own demise—people need the order and stability afforded by political authority and will thus consent to government. Hobbes's war of each against all, or what Locke more subtly called the "inconveniences" of the state of nature, have to be overcome through the establishment of a known and settled authority.

But not any kind of government will do. Locke's "comfortable self-preservation" or Montesquieu's "tranquillity of mind" are secured not only by criminal law and police forces, but also by the fruits of productive labour. It is, after all, not just bare self-preservation but *comfortable* self-preservation that best eases the characteristic human anxiety, and individuals cannot achieve comfortable self-preservation without the freedom to accumulate property and thereby "create tangible private barriers against ill fortune."⁴ "The great and chief end, therefore, of men's uniting into commonwealths and putting themselves under government," said Locke, "is the preservation of their property."⁵ Or, as James Madison put it in *Federalist* 10, "the protection of different and unequal faculties of acquiring property" is "the first object of government."⁶ Property rights, in short, lie at the core of the liberal democratic tradition and provide the standard for assessing the legitimacy of government. Only in a regime dedicated to property rights is it possible to attain, or at least approximate, "that tranquillity of mind which arises from an individual's opinion of his security."

Property rights serve the human psychic constitution in a second way. Humans differ from other animals not only in their foreknowledge of death, but also (and as a consequence) in their approach to propagation. While "all other creatures, one may say, have as their strongest desire the urge to propagate and continue their several *species* . . . only human individuals can strive to continue their own *selves* in their offspring and come to love their offspring as an extension of themselves."⁷ Thus families, in their great variety, are a natural

the property. This, of course, is nonsense. When we refer to property rights, we mean the rights of the human beings over property. The right not to be trespassed upon does not belong to the land; it belongs to the landowner. The right not to be stolen does not belong to your TV set; it belongs to you, the owner of the TV set.

It is unfortunate that the concept of property rights has become, in the minds of some, at best a poor second cousin to human rights—of lesser importance, something that can be dispensed with if inconvenient. It is important that we work to restore the idea that property rights are an integral part of human rights, and that an abrogation of the former is also an abrogation of the latter.

ACKNOWLEDGEMENTS

Portions of this paper have been previously published in *Canadian Lawyer* magazine.

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Quesnel v. Eidt (1995), unreported, Ontario Board of Inquiry.
Kearney et al. v. Bramalea Limited and Shelter Corporation (n.d.), unreported, Ontario Board of Inquiry.
Re Waterloo North Condominium Corporation No. 198 and Donner (1997), 36 O.R. (3d) 243 Gen. Div.

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 "Landlords," Canadian Press database, February 22, 1993.
 "Ontario to introduce universal day care," *The Toronto Star* (Ontario Edition), February 18, 1994, p. A1.
 Personal Communication with K. Selick. The Fair Rental Policy Organization of Ontario, 869 Yonge Street, Suite 105, Toronto, Ontario, M4W 2H2, telephone conversation and letter of January 6, 1998 addressed to the author.

Tenant Protection Act, S.O. 1997, c. 24.

² Ibid., p. 3.

³ Ibid.

⁴ Ibid., p. 4.

⁵ John Locke, *The Second Treatise of Government*, §124.

⁶ Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter, 1961, p. 78.

⁷ Orwin and Pangle, "The Philosophical Foundation of Human Rights," p. 6.

There is no conceivable reason why one person's rights should be any different than another's.

Every time a human being claims something as a right, his statement contains the implicit assertion that everyone else in the world has a corresponding obligation. My right to life means that everyone else is obliged not to kill me. My right to liberty means everyone else is obliged not to coerce me. It is this inextricable combination of rights and obligations that means we have to be very, very careful about what we define as a right; because if we define a right too broadly, the corresponding obligation on others might well entail an abrogation of their rights.

Thus, if we define the right to life as merely the right not to be killed, we are on safe ground. My right not to be killed does not interfere with your equal right not to be killed. We can both be "not killed" without denying or violating the other person's right to be the same.

But if I tried to define the right to life to include a right to physical sustenance, in the form of food, for example, then that would imply a corresponding obligation on everyone else in the world to provide me with food. Now, some of the other people in this world are virtually one meal away from starvation themselves. If such a person happened to be the unlucky one who got called upon to fulfill the obligation to me, my right to life would literally mean that he had to forfeit his. Admittedly, there are some people in the world who have surplus food and could give me some without immediately dying. However, even in these cases, my so-called right would still entail some forfeiture by them. If a person has used a portion of his lifetime to work and produce material goods, or to work and trade for material goods, then the property he has acquired can be fairly called the embodiment of his life and liberty. Take it away from him, and you might as well have taken away the hours he devoted to acquiring that property. You might as well have said to him, for those hours, that he was not free, but he was a slave and was working not for his own benefit, but for someone else's.

This is the origin of property rights. They are a necessary derivative of the rights to life and liberty. To the extent that they are not respected, to the same extent do we fail to respect the acknowledged "human rights" of life and liberty. Anyone who maintains that there is a conflict between these two types of rights, or suggests that "human rights" should take precedence over "property rights," demonstrates that he or she does not genuinely believe in human rights.

In fact, the phrase "human rights" is redundant, because it is only humans who can have rights—at least, until such time as we make contact with another intelligent species somewhere in the universe that is able to recognize the reciprocal obligations that rights impose.

Similarly, the phrase "property rights" is deceptive, because it seems to imply that the rights in question belong in some way to the property—to a plot of land, or a tree, or an automobile—rather than to the human being who owns

response to the human condition. This natural attachment to family, and especially to offspring, gives further significance to the accumulation of property. Humans seek comfortable self-preservation not only for their individual selves, but also for the offspring that extend those selves into the future giving the parents a kind of immortality. This means that Montesquieu's "tranquillity of mind" is best secured when property rights are seen in part as "family rights."

In particular, the rights of bequest and inheritance, as part of the fundamental property right, must be secured. For through bequeathal, parents may contribute personally to their children's future welfare while helping to insure that old age will find helpers eager to reciprocate the care and attention lavished upon them in their infancy.⁸

The human psyche provides a third justification of property rights. Although the desire for comfortable self-preservation for oneself and one's offspring is powerful and durable, it is far from the only desire or "passion" that motivates human behaviour. Pride and ambition, the lust for power, recognition, and precedence—these are also all-too-human features of our existence. And they are dangerous features—dangerous because they fuel faction and civil strife, thus jeopardizing comfortable self-preservation. The advantage of a commercial regime based on property rights is that it provides comparatively safe outlets for natural human competitiveness or factionalism. People who have been softened by the pursuit and achievement of "comfortable self-preservation" are less likely to want to risk their lives participating in, say, religious crusades. And at least some of those who are inclined to engage in the bellicose building of religious or ideological empires, might be diverted from such activity into empire building of an economic sort—i.e., from empire building that threatens comfortable self-preservation to empire building that fosters it. As Francis Fukuyama puts it:

"[L]iberal democracy works because the struggle for recognition that formerly had been carried out on a military, religious, or nationalist plane is now pursued on an economic one. Where formerly princes sought to vanquish each other by risking their lives in bloody battles, they now risk their capital through the building of industrial empires."⁹

As Fukuyama points out, commerce does not replace or displace the passions for glory, recognition, and domination that otherwise animate political conflict; it merely redirects them. Capitalist entrepreneurship and accumulation cannot be adequately explained by the desire for material comfort. There are, after all, limits to the material goods an entrepreneur can consume and most entrepreneurs aspire to accumulate far beyond the requirements of their own consumption. That this surplus accumulation is typically reinvested indi-

⁸ Ibid.

⁹ Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity*, 1995, pp. 359 – 60.

cates that entrepreneurship really is directed to the “building of industrial empires” rather than simply to conspicuous consumption. Economic life, in other words, is often driven by the same passions and “competitive energies that formerly fueled political life.”¹⁰ “The underlying psychological need is the same, only the desire for recognition is satisfied through the production of wealth rather than the destruction of material values.”¹¹ The *sine qua non* of this kind of re-channelling of dangerous passions is the protection of property rights.

The Specification and Qualification of Property Rights

As important as property rights are, they are easily misunderstood. It is not always appreciated, for example, that property rights are more rights of acquisition than of possession or consumption. It is the protection of “different and unequal faculties of *acquiring* property” that is Madison’s “first object of government.”¹² The point is to fuel the acquisitive engine at the heart of a capitalist system, so as to generate surplus wealth and reinvestment, thus enlarging the economic pie to the benefit of both rich and poor. A day labourer in 17th century commercial England, said Locke, was better off than the king of a “large and fruitful” but undeveloped American territory.¹³

Acquisition and possession cannot, of course, be entirely separated. If possession is insecure, one of the most powerful incentives for acquisition is removed. Nevertheless, the possession of property, important as it is, has never been considered an absolute right in the liberal tradition. Locke, for example, was quite clear that people “enter into society with others [not only for the] securing [but also for the] *regulating* of property.”¹⁴ “In governments,” he added, “the laws regulate the right of property, and the possession of land is determined by positive constitutions.”¹⁵ Or as Montesquieu put it, “There is nothing which is more in need of being guided by wisdom and prudence than the question of how much should be taken away and how much should be left in the hands of subjects.”¹⁶

However, although Locke and Montesquieu clearly thought that expropriation in the name of the public good was sometimes justified, they established a strong presumption against it. In Montesquieu’s words, “the public good demands that one never deprive an individual of his goods, or rather that one

¹⁰ Ibid., p. 360.

¹¹ Ibid.

¹² Hamilton, et. al., *The Federalist Papers*, p. 78.

¹³ Locke, *Second Treatise*, §41.

¹⁴ Ibid. §120.

¹⁵ Ibid., §50. cf. Orwin and Pangle, “The Philosophical Foundation of Human Rights,” p. 5.

¹⁶ Quoted in Orwin and Pangle, “The Philosophical Foundation of Human Rights,” p. 5.

Interestingly, he has no general obligation to provide chiropractic services to the world. He can retire from practice and take his services off the market entirely if he chooses. But if he has no obligation to provide his services to anyone at all, then how can he have an obligation to provide services to the disabled woman in particular?

What the Human Rights Code actually does is to impose a form of involuntary servitude on certain members of society—the goods and service providers. It transforms others—consumers who belong to one of the privileged minority groups—into overlords. The latter have the right to force the former to perform services for them against their will. There was a time when this was called “slavery,” but there are not many people willing to call a slave a slave these days.

Why Rights Do Not Conflict

I started this essay by explaining that in my own theory of rights, any conflict between “human rights” and property rights was impossible. At this point, I want to explain why.

“Rights” are a moral concept developed by human beings in order to allow them to live in society rather than as isolated individuals. The concept of rights would not be necessary for Robinson Crusoe living alone on a desert island. It is not a concept that defines man’s interaction with inanimate objects or even with living creatures incapable of reason. If Crusoe found himself standing in the path of falling rocks or a charging wildcat, proclaiming his right to life will not help him. In fact, if it detains him for even a split second, it will probably hurt him. But the moment man Friday comes along and there are two human beings who have to co-exist, the concept of rights becomes important. It is the moral interface between each individual and the society he forms part of, however large or small that may be.

The concept of “rights” allows human beings to live up to their potential, to flourish, to live the best life possible to them, given the kind of creature they are. Human beings are unique among living things because they possess the faculty of reason. It is reason that makes it possible for men to live a better life than brute beasts—by cultivating food, building houses, manufacturing clothing, by trading the products of their labour, and so on. But to act on the basis of reason, one must be able to exercise one’s independent judgment; and to exercise one’s independent judgment, one must be free from coercion by others. It is the concept of rights that allows human beings to live in proximity with one another and to reap the enormous benefits that human co-operation can offer, yet still maintain sufficient barriers to protect individuals from coercion by others so that they can exercise their reason.

If this is the correct understanding of why we have rights, it follows that all individuals must be entitled to the same rights. We are all in the same boat. We all need rights to live in society. We all survive by exercising our faculty of reason. We all need to be free of coercion to exercise our independent judgment.

So if a person in a wheelchair chooses to eat at an English-style pub rather than at the French, Jewish, or Chinese restaurants (all with ramps at their entrances) in the same block, the snubbed restaurateurs cannot go complaining to the Human Rights Commission about her cruel ethnic discrimination. Nor can any of the ethnic restaurateurs claim “systemic discrimination” if his restaurant fails while those of his neighbours succeed. The Human Rights Commission will not force the locals in the neighbourhood to eat their “fair share” of Chinese food. Business people simply have to live with the fact that in a market economy, consumers are free to deal with whomever they choose.

Here is another example. Clients occasionally tell me they picked my name out of the yellow pages because they wanted a female lawyer. Presumably, there are other people who choose *not* to hire me for precisely the same reason—namely, because I am female and they would prefer a male lawyer. In Ontario, the Law Society Benchers, the body that governs the conduct of lawyers, endorsed this discriminatory practice back in 1994 by allowing the Lawyer Referral Service which they operate to fill gender-specific requests. A Law Society Committee was even asked to consider permitting clients to request a referral by race or ethnicity. But the Rules of Professional Conduct make it clear that lawyers cannot screen out clients on the basis of sex, race, or ethnicity.

Why should there be any such dichotomy? Every commercial transaction consists of two parties making an exchange: goods, services, facilities, or accommodation flow in one direction and money flows in the other. Both parties to the transaction must feel that what they are getting is more valuable to them than what they are giving up; otherwise, they would not agree to the deal. So why should one group be free to select the identity of the person they wish to profit from, while the other is not?

Do not misunderstand—I am certainly not advocating that the Human Rights Code should apply in both directions. On the contrary, I am suggesting that it should be scrapped, so that freedom of contract and private property rights can prevail for all.

The only way to make sense of the dichotomy is to realize that the Code is not about protecting minorities against racism, sexism, or other -isms at all. No, what it is really about is subjugating those classes of people who are presumed to be powerful to those who are presumed to be powerless. Business people and landlords of all races, sexes, and abilities are the targets; consumers and tenants are the beneficiaries.

Of course, the presumptions about power are not particularly accurate. There are many consumers and tenants who are wealthier and more influential than business people and landlords. But little facts like this never bother those who want to dismantle the free-market system.

The chiropractor decision contains the unspoken declaration that the doctor has some sort of obligation to provide services to the disabled woman, even though she is under no corresponding obligation to purchase his services.

take away from him the least possible.”¹⁷ In other words, expropriation only when clearly necessary and then as little expropriation as possible. In addition to this presumption against expropriation, the liberal tradition has insisted that whatever expropriation does occur be subject to two conditions: first, that it be rooted in law and due process, not arbitrary discretion; and second, that there be just compensation, so that only the particular composition, and not the overall quantity, of an individual’s property is changed. This carefully qualified power of expropriation is nicely expressed in the 1789 *Declaration of the Rights of Man and Citizen*:

“Property being an inviolable and sacred right, no one may be deprived of it, except when the public necessity, legally established, evidently demands it, and under the condition of a just and prior indemnification.”¹⁸

This traditional perspective on property rights is very much alive among advocates of these rights in present-day Canada. Throughout his career, for example, former Prime Minister Trudeau advocated the right not to be deprived of property except “by due process,” or “according to law,” or “in accordance with the law and for reasonable compensation.”¹⁹ Today, the Reform Party of Canada advocates “the right of every person to the use and enjoyment of property, both real and personal, and the right not to be deprived thereof except by due process of law.” The Party adds that no one should “be deprived, directly or indirectly, by any law of Parliament or a provincial Legislature, of the use and enjoyment of property, unless that law provides for just and timely compensation.”²⁰

The Founders’ Reluctance to Entrench Rights

Although the substantive components of property rights—expropriation only with legal due process and with just compensation—have been maintained by modern property rights advocates, these advocates tend to be much more enthusiastic about the constitutional entrenchment of rights than were the founders of liberalism. Had Locke, Montesquieu, or Blackstone recommended a judicially enforceable bill of rights, property rights would certainly have been at the centre of such a bill, but they did not promote this way of protecting rights. The *Declaration of the Rights of Man and Citizen* certainly gave a central place to property rights, but the Declaration was a statement of guiding princi-

¹⁷ Quoted in Ibid.

¹⁸ Quoted in Ibid., p. 4.

¹⁹ Alexander Alvaro, “Why Property Rights Were Excluded from the Canadian Charter of Rights and Freedoms,” *Canadian Journal of Political Science*, 1991, pp. 324 – 26.

²⁰ Reform Party of Canada, *Principles and Policies: The Blue Book*, 1991, pp. 6 – 7.

ples, not a judicially enforceable legal document.²¹

Of course, one might explain the failure of liberalism’s earliest exponents to promote entrenched—and judicialized—bills of rights as simply an oversight on their part. Perhaps they would have considered the judicial enforcement of entrenched rights—including property rights—to be a good idea, a perfection of their own principles, had they only thought of it. This brings us to James Madison, a good Lockean on the question of property rights and a leading author of what has become the world’s model for entrenched and judicially enforceable constitutionalism: the United States Constitution and especially its Bill of Rights.²² Madison obviously had thought of—indeed, had implemented—the strategy of constitutional entrenchment. But even Madison remained doubtful about the value of this strategy.

Madison’s hesitancy about entrenched rights emerges most clearly in his thinking about the Bill of Rights. Remember that the Bill of Rights was an addition to the Constitution. The original Constitution did not contain such a bill and Madison joined Alexander Hamilton in arguing, in the *Federalist Papers*, that it would be either unnecessary or ineffective. The two men agreed that rights were best protected by the proper arrangement of representative institutions, in the context of a large commercial society, not by the “parchment barriers” of a bill of rights. In *Federalist* 84, Hamilton argued that the original Constitution was “itself, in every rational sense, and to every useful purpose, a bill of rights.”²³ Now, that original Constitution did specify a few rights, including some property rights. Thus, Article 1, which specifies legislative powers, states in section 10 that no state shall pass any “law impairing the obligation of contracts.” Nevertheless, it is not the judicial enforcement of this kind of provision that Hamilton had primarily in mind when he spoke of the Constitution as itself a bill of rights. It was the system of institutional checks and balances between and among the institutions of representative government, famously described by Madison in *Federalist* 51, that would best protect rights—at least in the context of the large commercial society, with its multiplicity of factions, promoted by Madison in *Federalist* 10. If “ambition [were properly] made to counteract ambition”²⁴—both among the branches of a single governmental jurisdiction and between levels of government in a federal system—truly serious infringements of rights would not occur and an explicit bill of rights would be unnecessary; and if institutional checks and balances somehow failed to prevent real tyranny, the “parchment barriers” of a bill of rights would be inef-

in the building might not be permitted to compel Ms. Donner’s mother to get rid of the dog or move out, would they be entitled to damages against Ms. Donner for breach of contract? After all, she is not the person with a disability entitled to the protection of the Human Rights Code and she did knowingly breach the contract she had previously voluntarily agreed to. Would section 3 of the Ontario Human Rights Code give the other unit holders any relief? It provides:

“Every person having legal capacity has a right to contract on equal terms without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.” [Emphasis added.]

I have always wondered just what this section might mean, given that the other sections of the Code are all designed to override, rather than protect, freedom of contract. Would the non-handicapped unit holders be able to argue that they are entitled to as much protection as a handicapped person in the enforcement of their contracts, because if they did not get such protection, they would be suffering from discrimination on the basis of handicap?

What would happen if there were other occupants of the building who suffered from different handicaps? Suppose an individual in a nearby unit had an extreme allergy to dogs and found that the building’s ventilation system was sending dog allergens into her living quarters. Or suppose another resident had a phobia of dogs, so severe that even the sight of a small dog in a tote bag would trigger a panic attack. Whose disability would trump whose?

At the moment, all we know about these questions is that they will keep many, many lawyers busy in the years to come.

The Lopsidedness of Human Rights Legislation

In researching some of these human rights cases, I was struck by what might be called the “lopsidedness” of human rights law. There is a certain lack of symmetry about it that has disturbing implications.

The provincial human rights laws generally divide the population into two classes who are given completely different treatment. The first group can be broadly described as consumers. They cannot be discriminated against on the grounds of race, sex, handicap, etc., by anyone providing services, goods, facilities, or accommodation. If they think they have been discriminated against, they can complain to the Human Rights Commission.

The second group can be broadly described as business people. They are the ones who provide the services, goods, facilities, and accommodations, in exchange for money. The first group can freely discriminate against the second on every imaginable ground, because there is nothing in the Code that forbids discrimination in the provision of money.

²¹ The Declaration was “constitutionalized,” thus becoming the basis of a kind of judicial review, by the Conseil Constitutionnel in 1971. See Samuel A. Bottomley, “Implied Constitutional Rights and the Growth of Judicial Activism,” *MA Thesis*, University of Calgary, 1997, ch. 5.

²² Robert A. Goldwin, *From Parchment to Power: How James Madison Used the Bill of Rights to Save the Constitution*, 1997.

²³ Hamilton, et. al., *Federalist* no. 84, p. 515.

²⁴ Hamilton, et. al., *Federalist* no. 51, p. 322.

Property Rights Going to the Dogs

My fourth and final example comes from Kitchener, Ontario. In 1989, Sara Donner purchased a residential condominium unit there. The condo corporation's declaration and by-laws stated that no pets were to be kept in the building. When Ms. Donner signed her purchase documents, she agreed to abide by those rules.

For more than seven years, Ms. Donner lived elsewhere and rented her unit out to tenants. In 1996, however, she informed the condominium corporation that she intended to move into her unit with her 85-year-old mother and her mother's small dog. Ms. Donner asked the corporation to amend the "no pet" clause. Her mother was totally deaf, and the dog had been trained to alert her to ringing telephones, intercoms, smoke detectors, and so on.

The corporation refused the amendment. Ms. Donner moved the dog in anyhow and the corporation, supported by 117 of the 172 unit holders in the building, sought a court declaration that she was in breach of the condominium's declaration and rules. The court held that enforcement of the building's rules would constitute discrimination against Ms. Donner's mother on the ground of her disability. It would not assist in enforcing the terms that Ms. Donner had knowingly agreed to. It said:

"[T]he Ontario Human Rights Code has been enacted by the legislature of the Province of Ontario for the benefit of the community at large and of its individual members. The parties are not entitled to contract out of its provisions. To allow the parties to do so would be contrary to public policy."⁸

The court clearly understood that its decision would constitute a violation of the property rights of the other unit holders in the building. It attempted to minimize this violation by adding that its ruling was not to be construed as *carte blanche* for the dog to wander at will through the common areas of the building. It directed that the existing practice of taking the dog downstairs in a tote bag for its daily walk should continue.

The court did not repeal the "no pets" clause; it merely refused to enforce the clause against an individual with a handicap. Presumably, an able-bodied occupant who tried to keep a dog in contravention of the rules would have met with a different fate. But where will the courts draw the line as to who gets to violate others' property rights and who does not? Would an autistic child who showed some interest in a pet be considered a worthy case for protection by the Human Rights Code? What about an individual who was chronically depressed and claimed that his pet was one of the few things that gave him pleasure in life?

This decision raises other interesting questions. While the other unit holders

⁸ *Re Waterloo North Condominium Corporation No. 198 and Donner* (1997), 36 O.R. (3d) 243 Gen. Div.

fective.²⁵

Now, someone is bound to object that Madison must have changed his mind about the value of entrenched rights because, after all, it was he who piloted the Bill of Rights through the first Congress. It is true that Madison was, in a sense, the father of the Bill of Rights, but as Robert Goldwin has shown—in an analysis much too involved to replicate here²⁶—Madison took charge of what had become a politically inevitable movement in order to water it down and prevent it from going too far. The Bill of Rights that emerged under his guidance was much weaker than its chief advocates wanted,²⁷ though it did serve to separate the leaders of the bill-of-rights movement from their followers, attaching the latter to the Constitution and thereby strengthening national unity.²⁸ Madison did not, according to Goldwin, believe that the Bill of Rights would make much actual difference in rights protection. In fact, says Goldwin, "Madison's action in proposing his amendments was consistent with his long-standing opposition to reliance on a bill of rights." Indeed, Madison's amendments "left unchanged his conviction that the greatest security for rights resides in the structure of the society and the government."²⁹

I realize that I have provided too little of Goldwin's argument to make it persuasive. But even if Goldwin is wrong—even, that is, if Madison *did* change his mind about a bill of rights—there would be still be two contrasting strains in his thought over time, one of which is highly skeptical of the value of entrenching rights. That is sufficient for my present purposes because I want to argue that whatever Madison's ultimate position may have been, his initial anti-entrenchment inclination is what modern property rights advocates should take to heart.

The Danger of Entrenchment

The problem with entrenchment is that it places too much trust in judges, and judges, as any good Madisonian should agree, are no more trustworthy than anyone else—at least when they exercise political power.³⁰ And political power is exactly what we bestow on judges when we entrench rights in the

²⁵ See James Madison's letter to Thomas Jefferson, Oct. 17, 1788, in *The Forging of American Federalism: Selected Writings of James Madison*, Saul K. Padover, ed., 1965, p. 254. Speaking of bills of rights as frequently violated "parchment barriers," Madison observes that "experience proves the inefficiency of a bill of rights on those occasions when its control is most needed."

²⁶ Goldwin, *From Parchment to Power*.

²⁷ *Ibid.*, chs. 7 & 8.

²⁸ *Ibid.*, pp. 71 – 74.

²⁹ *Ibid.*, p. 101.

³⁰ See John Agresto, *The Supreme Court and Constitutional Democracy*, 1984, pp. 114 – 15.

Constitution. The power comes from their freedom to choose between alternative interpretations of "open textured" constitutional language, a power modern judges have dramatically expanded by viewing constitutional rights as utterly malleable instruments, completely liberated from "original intent" and capable of changing radically to suit new circumstances and values—values as divined, of course, by the judges themselves.³¹

It is this approach to interpretation that allowed American judges in the early part of this century radically to transform the 14th amendment's guarantee against the deprivation of "life, liberty, or property, without due process of law." Although the phrase "due process" is self-evidently a *procedural* guarantee—thus *permitting* the taking of life, liberty, or property *with* due process—the US Supreme Court read the provision as though it contained the oxymoronic phrase "substantive due process."³² This allowed the Court to strike down much of the emerging welfare-state legislation, such as maximum hour³³ and minimum wage³⁴ laws, despite the fact that they in no way infringed "procedural due process."³⁵ Many advocates of economic freedom and property rights cheered these decisions, but they should, in fact, have worried about them. A Court that can turn "due process" into "substantive due process" is a dangerous beast—dangerous precisely because it is unpredictable. Thus, while the US Supreme Court opposed economic regulation in the name of property rights for a time, it eventually reversed course completely, allowing virtually any kind of economic regulation and turning its "substantive due process" doctrine to quite different purposes—i.e., instead of protecting economic "privacy rights," "substantive due process" became a protection for such social "privacy rights" as the right to an abortion.³⁶ Here again the judges played fast and loose with constitutional language to achieve this very different and equally bizarre result.

In a similar vein, we really have no way of knowing what Canadian judges might do with a constitutional property rights protection. Some indication of the potential pitfalls can be gleaned from the debate about the Charter's section 7 guarantee against the deprivation of "security of the person . . . except

peanuts and peanut butter from schools. In Oakville, Ontario, one parent has filed a complaint with the Ontario Human Rights Commission against the Halton Board of Education. The argument is that a child with a peanut allergy has a disability, and anyone who is in the business of providing services to the public cannot discriminate against the disabled and must accommodate them unless doing so would cause undue hardship. Therefore, the school must keep peanut products off its premises.

Is this an interference with property rights? The complicating factor in this particular example is the fact that it is public property—that is, a government-owned elementary school—whose property is under discussion here. One could argue that the school grounds are partly owned by the allergic child and her parents, so they should have some say as to whether peanuts are allowed on "their" property. But then so should everybody else, including parents who want to send their kids to "their" school with peanut butter sandwiches. But this is just a red herring: an extra little problem that arises whenever we talk about government-owned institutions. It is actually a good argument against public institutions—but that is beyond the scope of this essay.

The real conflicts with property rights will start when people try to carry this type of complaint over to privately-owned institutions. Already, there have been people objecting to the serving of peanuts on airplanes. One can imagine many different businesses serving the public that might have occasion to have peanuts on their premises—restaurants, bars, amusement parks, grocery stores, and so on.

There was a case reported in Paris, Ontario where a church-owned day care centre refused to allow an allergic 3-year-old boy to continue attending unless his parents signed a waiver of liability. Apparently, the day care's insurer had told them it could nullify their insurance coverage if they attempted to provide emergency injections of adrenalin for the child. It seems likely that this case will end up before the Human Rights Commission, who will attempt to supercede the day care's property rights both by telling it that a particular child must be allowed into its program and that it must prevent a particular substance from appearing on its property.

There is one interesting footnote to this peanut butter example. In Etobicoke, one of the former boroughs of Metropolitan Toronto, St. Stephen Catholic Elementary School had given in to demands for a peanut ban at the school, but they found themselves still facing a complaint under the Human Rights Code. One woman, a divorced mother of four who was receiving social assistance, objected that the peanut ban discriminated against her because she was poor. She said that peanut butter was a cheap source of nutrition for her children and it was contrary to their human rights to be prevented from taking it to school. So here we have an example of a human rights claim conflicting not only with property rights, but also with another human rights claim. It would almost be amusing if it were not such a danger to our liberty and our prosperity.

³¹ See Rainer Knopff and F.L. Morton, *Charter Politics*, 1992, ch. 5, "The Politics of Interpretation."

³² Christopher Wolfe, *The Rise of Modern Judicial Review: From Constitutional Interpretation to Judge-Made Law*, 1986, ch. 6.

³³ *Lochner v. New York* 198 U.S. 45 (1905).

³⁴ *Adkins v. Children's Hospital* 261 U.S. 525 (1923).

³⁵ In Canada the Judicial Committee of the Privy Council used federalism to mount a similar blockade of the welfare state. See *A.G. Canada v. A.G. Ontario* (Employment and Social Insurance Reference), [1937] A.C. 355; *A.G. British Columbia v. A.G. Canada* (Natural Products Marketing Act Reference), [1937] A.C. 377; *A.G. Canada v. A.G. Ontario* (Labour Conventions Case), [1937] A.C. 327.

³⁶ See *Griswold v. Connecticut* 381 U.S. 479 (1965); *Roe v. Wade* 410 U.S. 113 (1973).

sity these days?

Back in 1994, when the Ontario government announced plans for a new universal day-care program, the *Toronto Star* carried a front-page article quoting Kerry McCuaig, executive director of the Ontario Coalition for Better Child Care, as follows:

“You are not supposed to get to the front of the line for heart surgery because you have a lot of money. Well, right now in Ontario people with money are at the front of the line for day care. That will change. Now everyone will have the same access regardless of income.”⁶

So it seems there *are* people who think that the right to equality means the right to be provided with the same level of material well-being as anyone else in the country. If these people ever get control of the Human Rights Commission, we can expect to see all sorts of bizarre challenges to the price of steak, the price of shoes, and so on. This will be nothing other than full-fledged socialism under the guise of human rights.

The good news in regard to this landlord issue—and I use the term very guardedly, because the “good” news is only slightly better than no news at all—is that Ontario recently amended its Human Rights Code as part of a bill called the *Tenant Protection Act*.⁷ The Code now says that the provincial government can pass regulations about what tests landlords can use to screen their tenants financially, and if they use the tests approved by the government, they will not be held to be in violation of the Code. This is only a slight improvement from the landlords’ point of view. It means that instead of prospective tenants having control of the landlord’s property by virtue of the ever-present threat of a complaint to the Human Rights Commission, the provincial government will now have control over their property. And while the current Ontario government may appear to be sympathetic towards landlords, governments do change every time there is an election and regulations can, of course, be changed simply by the provincial cabinet without any further submission to the legislature. So this is small comfort indeed.

Property Rights Are Not Worth Peanuts These Days

The third example concerns peanut allergies. As you may know, there are some individuals who have very severe reactions when they come into contact with peanuts or peanut butter. About 50 Canadians die each year from this. In some cases, it is alleged, the allergy can be so severe that even catching a whiff of peanut butter from an open jar can be fatal.

There have been demands from some parents of allergic children to ban

⁶ “Ontario to introduce universal day care,” *The Toronto Star* (Ontario Edition), February 18, 1994, p. A1.

⁷ *Tenant Protection Act*, S.O. 1997, c. 24.

in accordance with the principles of fundamental justice.” As noted above, property rights were originally conceived as the basis of Locke’s “comfortable self-preservation” or of the “tranquillity of mind” that Montesquieu said arose “from an individual’s opinion of his *security*.” Given the connection between property rights and “security,” a constitutional guarantee of the latter might well be taken to entail a protection of the former. Precisely this interpretation of section 7 has, in fact, been suggested.³⁷ On the other hand, it has also been suggested that the guarantee of “security of the person” is more properly understood to entrench rights to welfare policies and to prevent the state from dismantling them. Indeed, welfare policies have been described as “new” property interests that could be protected not only by section 7 but even by a more explicit property rights guarantee.³⁸ I doubt that this is what the proponents of a property rights guarantee have in mind. Nevertheless, judicial discretion being what it is, it is what they might get. And although judicial decisions can be reversed—primarily through what Peter Russell has called court bashing and court stacking³⁹—it is not easy. Legislative policies, of course, are also difficult to change, but it must be noted that after, losing many battles in the political realm, property rights advocates are beginning to win their share and that it is their opponents who are retreating to the courtroom.

Just who are the opponents of property rights and why are they retreating to the courtroom? The opponents are clearly not Marx’s proletariat but instead, and ironically, society’s elite—or at least that part of the elite described by the terms “new class,” or “knowledge class,” or “post-materialist class.” As the apostate leftist Christopher Lasch has argued, it is the knowledge elite, not the lower classes, who today view human nature as ultimately malleable—as entirely the product of social conditioning and thus as subject to social engineering—and who see themselves as the necessary social engineers.⁴⁰ For those who take this view, property rights are not a realistic outlet for certain otherwise dangerous facets of a permanent human nature—such as selfishness and ambition—but are themselves the social *causes* of undesirable human traits. Since the undesirable traits are socially caused, of course, they can be socially overcome. And the chief way to overcome them is to eradicate private property rights and replace them with public regulation.

Now, the influence of the knowledge class has been felt in all policymaking institutions, including our legislative and executive institutions. But it is moderated in legislatures, which have to pay some attention to public opinion. And public opinion, as Lasch points out, tends these days to be more sensible than

³⁷ Alvaro, “Why Property Rights Were Excluded from the Charter of Rights and Freedoms,” p. 327.

³⁸ *Ibid.*

³⁹ Peter H. Russell, “Standing Up For Notwithstanding,” in Mark Charlton and Paul Barker, eds., *Contemporary Political Issues*, 1991, pp. 73 – 74.

⁴⁰ Christopher Lasch, *The Revolt of the Elites and the Betrayal of Democracy*, 1995, pp. 20 – 28.

the opinions of the knowledge class.⁴¹ Courts, by contrast, are insulated from public opinion and their highly rationalistic processes are particularly hospitable to the blandishments of the knowledge class. Legislatures can certainly get caught up in projects of social engineering and judges can be conservative—history displays examples of both. But no one should be surprised to find democratic institutions rebuffing the transformative projects of the knowledge class and to see the latter seeking a more welcoming reception in the courtroom.⁴² That is our current situation. It is not a particularly propitious situation in which to give judges the primary responsibility for property rights by entrenching them in the Constitution.

If one could achieve the degree of legislative support necessary to entrench property rights—i.e., the support of the federal Parliament and the legislatures of seven provinces with 50 percent of the population—why squander that support on an amendment that would give property rights over into the care and keeping of judges, who will for some time to come reflect the anti-property rights animus of their “new class” education? Why not pursue substantive legislative change instead?

TABLE OF CASES

- Adkins v. Children’s Hospital* 261 U.S. 525 (1923).
A.G. Canada v. A.G. Ontario (Employment and Social Insurance Reference), [1937] A.C. 355.
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⁴¹ Ibid.

⁴² See Robert Howse, “Another Rights Revolution?” in P. Grady, ed., *Redefining Social Security*, 1995.

doom for the market system and for the entire concept of private property.

Consider the effect on landlords, first of all. Most of them ask new tenants to provide a deposit consisting of first and last months’ rent before they move in. If someone says he cannot afford that deposit and the landlord says, “Well, in that case, I will not rent to you,” it could be argued that the landlord has just discriminated on the grounds of poverty. This means a landlord’s demand for a deposit should be illegal. Suppose a tenant manages to scrape together the deposit but defaults on the rent a few months later, saying he cannot afford it. Should the landlord be entitled to take eviction proceedings? Surely that would be discriminating against that tenant on the basis of his poverty. And if you follow this line of thinking through to its logical conclusion, the very act of fixing the rent at a particular level would constitute an act of discrimination against that group of people who cannot afford that level of rent. Surely that is also discrimination on the basis of poverty. The only act that would not be discriminatory would be giving away free shelter, no questions asked and no payment required, to anyone who expresses a desire to live on your premises.

Think what this would mean in other areas of commerce. Is it not discriminatory for butchers to charge more for filet mignon than for hamburger? Low-income groups are consequently going to eat less filet mignon than the rich. Are the poor not being discriminated against because they have to spend a higher percentage of their incomes on food than the rich? Should not food, like shelter, be given away for free in order to truly eliminate discrimination? Should not all goods and services be free?

Maybe you think I am exaggerating about the logical implications of this kind of thinking. Maybe you think that the human rights activists would never go as far as I am suggesting. But this mindset does exist. You see examples of it with increasing frequency. Just think about the opposition that exists in this country to private medical clinics or “two-tiered medicine.” Whenever anyone suggests that people should be allowed to buy medical care using money out of their own pockets, we hear cries of outrage that the rich might be able to get something better than the poor.

Typically, these people argue that medical care is different from other goods and services because it is a “necessity,” so rich and poor should all be able to have the same quality and quantity without regard to ability to pay. Now, there are many, many flaws in that argument—too many to discuss here, given the scope of this essay. But if we accept, for the sake of argument, that “being a necessity” is a valid reason for a good or service to be provided universally and free of charge, then surely the same argument could be made with regards to food and shelter. And in this country, given the climate, the same argument could be made for shoes and clothing. And given the vast distances that exist in Canada between our homes and our workplaces, the same argument could be made for transportation—everyone should be provided with free automobiles, or at least bus passes—and communications—free telephone and internet services for all. Is there anything that cannot make a case for being a neces-

seemed to be saying at first that the renting of apartments should proceed on a strict "first come, first served" basis, without regard to the tenant's ability to afford the rent at all. Later, they modified their position to say that certain types of financial checks were acceptable—things such as phoning previous landlords for references, doing formal credit checks through credit bureaus to see if the person had a history of unpaid debts or judgments against them, and so on. But they were still objecting to the 30 percent test.³ They claimed that there was "nothing but anecdotal evidence to show that demanding a person pay a maximum of 30 percent of income will give a landlord any greater protection from a tenant not paying the rent."⁴

Whether the evidence is merely anecdotal or whether it is backed up by a dozen scientific surveys seems quite immaterial. The point is, the property belongs to the landlord and, since it is his, he should be able to decide when and to whom he rents it; and if the landlord believes that a 30 percent test is a helpful tool even though a scientific study might prove that it is not, then he should be free to make that mistake regarding his property simply because it is his own property. Maybe somewhere out there is a landlord who believes that only Sagitariusses can be trusted to pay their rent and he will not rent to anyone who is not a Sagittarius. It may seem to onlookers that he is making a big mistake, but he is the one who will suffer financially if his business decisions are irrational.

What caused the Human Rights Commission to back off from its initial extreme position? No-one knows. If it truly believed that it was following the correct principles regarding the 30 percent test, then it seems that it was being perfectly consistent when it took its initial extreme position, and in fact that extreme position is the inevitable position to which those principles must logically lead. Furthermore, if it is adverse effect discrimination that must be weeded out, then the entire price system that our whole economy is based upon is at fault, and every act of commerce that a landlord or other business person engages in constitutes a violation of the Human Rights Code.

There has been a move afoot recently among activists in the so-called "human rights" movement to make "poor people" a protected class of persons under the legislation. Michelle Falardeau-Ramsay, the head of the federal Human Rights Commission, has said on more than one occasion that she wants "poverty" to be made one of the prohibited grounds of discrimination.⁵ If we couple this with the notion of "adverse impact" discrimination, it spells

³ This information obtained from The Fair Rental Policy Organization of Ontario, 869 Yonge Street, Suite 105, Toronto, Ontario M4W 2H2 in telephone conversation and letter of January 6, 1998 addressed to the author.

⁴ Statement of Alok Mukherjee, acting chief commissioner of the Ontario Human Rights Commission, reported in Canadian Press database article "Landlords," February 22, 1993.

⁵ See, for example, the Introduction to the Canadian Human Rights Commission *Annual Report 1997*.

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A Landlord’s Rights—Going, Going, Gone

The second example arises out of three separate complaints lodged with the Ontario Human Rights Commission by some Torontonians who had applied to rent apartments but were turned down by the landlords. They said their applications had been refused because the landlords were using a standard screening test to determine whether they would be able to pay their rent. Essentially, the test was that the rent should not exceed 30 percent of the prospective tenant’s income.

This made the news in 1993 when the Human Rights Commission asked the Ontario government—which was then Bob Rae’s NDP government—to appoint a board of inquiry on this issue.² The commission was hoping to outlaw the use of the standard screening test. They claimed it discriminated against several groups: low-income people, young people, old people, women, and welfare recipients.

Ontario’s Human Rights Code contains a section explicitly prohibiting landlords from discriminating against tenants on all the usual grounds—race, ancestry, colour, sex, age, and so on. It goes even further—it also says landlords cannot discriminate against tenants on the grounds that they receive public assistance. It *does not* say that they cannot discriminate against people of low income. “Low income earners” are not what the Code refers to as “persons identified by a prohibited ground of discrimination.”

But the Human Rights Commission took the position that if landlords apply the 30 percent test, they may not be *explicitly* discriminating against one of the protected groups—welfare recipients or senior citizens or young people or single mothers or immigrants—but the effect will be just the same as if they were. This is what they call “adverse impact” discrimination. It is not intentional discrimination on one of the prohibited grounds, but it is any practice, neutral on its face, that happens to impact more heavily on a protected group than on other people who are not members of a protected group.

The Board of Inquiry finished its hearings in January 1997. As of the date when this essay was submitted for publication, the final verdict still had not been released. However, The Fair Rental Policy Organization of Ontario (the landlord’s organization who funded the defence) is expecting that the board will rule that using a guideline such as “rent cannot exceed 30 percent of the tenant’s income” is a prohibited practice under the Human Rights Code. Their expectations are probably accurate.

The Human Rights Commission moderated its position somewhat from the very extreme position they took initially in this affair: namely, that *any* screening device used by landlords constituted discrimination. In other words, they

² *Kearney et al. v. Bramalea Limited and Shelter Corporation* (n.d.), unreported, Ontario Board of Inquiry, Board of Inquiry Files 92-0213, 92-0214, 92-0216.

If the complainant had wanted to demonstrate true independence, she would have gone to the other chiropractor's office where someone had already installed wheelchair access voluntarily, instead of burdening a stranger with a \$20,000 expense. Or she could have offered to pay for the ramp herself, rather than forcing an unwilling victim to provide it to her. The route she chose, of using the coercive power of a state agency to appropriate someone else's property for her benefit, underscores the very dependency she is attempting to deny.

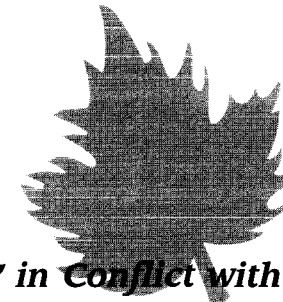
A third theme of the decision is dignity. We are told that the alternatives offered by the chiropractor offended the woman's dignity. One wonders what she and the Board of Inquiry expected him to do when initially confronted with the situation. Was he supposed to say, "Okay, just wait a few weeks while I get a zoning variance from the city, arrange a new mortgage, and spend \$20,000 installing a ramp so that we can see whether you really want me as your chiropractor?"

Most people who need chiropractic services need them now, not a few weeks from now. It made far more sense for the doctor to offer quick expedients than to offer to install a ramp. In my view, the complainant's own behaviour robbed her of dignity. A dignified response would have been for her to realize that the doctor was trying to accommodate her and to have met him halfway. Instead, she insisted that everything be done entirely her way. That is not dignified—that is bullying.

The Human Rights Code says its purpose is to enhance the dignity of "every person," not just disabled people, but the decision—indeed, the whole proceeding—overlooks any consideration of the chiropractor's dignity. The judgment reveals details of his assets, his debts, and his earnings over several years. There it all is, in black and white, for his colleagues, his patients, his neighbours, or any other nosy stranger to read. Undoubtedly he finds that very dignified.

Even worse, his judgment as a businessman regarding the appropriate financial conduct of his business has been completely overridden. No doubt he would willingly have installed a ramp, in order to expand his potential client base, if he had perceived a reasonable prospect that the extra traffic would justify the expense. His opinion apparently was that it would not. The Board of Inquiry could not care less. It is as though he is but a child, the Board is his parent, and he has to do what it says, regardless of how foolish its decision may be from a business point of view. I am sure he finds that very dignified too.

One witness, quoted approvingly by the Board, described the proceedings this way: "It really is . . . about persons with disabilities taking control of their own lives." Not at all. It is really about the Human Rights Commission, in the name of a few legally privileged groups, taking control of other people's lives and other people's property.



"Human Rights" in Conflict with Property Rights

KAREN SELICK

The title of this essay is "'Human Rights' in Conflict with Property Rights," but I want to make it clear from the start that in the political philosophy I subscribe to, there is no such conflict. I think that if the term "human rights" is properly defined, it includes property rights. To put it another way, property rights are a subset of human rights.

In fact, I would argue that, properly understood, there are *no* genuine rights which can conflict with any other genuine rights. I explain this viewpoint in a little more detail at the end.

However, throughout most of this essay, I will simply take the expression "human rights" as it is used in common parlance and in Canadian law and give some examples of how these so-called rights—which in my view could most politely be described as pseudo-rights—come into conflict with property rights.

Disabling Those Pesky Property Rights

The first example concerns a disabled woman in London, Ontario. She had been born with a condition that caused her to use a wheelchair at all times. In 1988, she decided that she wanted to retain the services of a chiropractor in London. She made an appointment with a particular chiropractor. He worked at a clinic owned by a second chiropractor, who was also the owner of the building where the clinic was located.

When she arrived for her appointment she found that the building was not wheelchair-accessible. There were steps leading up from the front entrance to the examining rooms. There was no ramp or elevator. She could not get in. She went home.

She spoke to the chiropractor on the telephone. He suggested three alternatives. First, he said, she could come back to the clinic and he and the other chiropractor who owned the building would carry her up the stairs. Or, if she pre-

ferred, he would come to her home and treat her there. The third alternative would be that he would arrange to borrow facilities from another chiropractor, who had a wheelchair-accessible building, and he would treat her there.

The disabled woman was not happy with any of these suggestions. She felt that she was being discriminated against because she could not get her chiropractic treatment in the clinic she had selected, like other people who were not in wheelchairs. She complained to the Ontario Human Rights Commission and they agreed with her. This was discrimination, they felt. This was illegal. Nothing less would do but that the building be made wheelchair accessible. A ramp, or elevator, or wheelchair lift would have to be installed. As well, the waiting room, examining rooms, and washroom would all have to be made wheelchair accessible.

The chiropractor who owned the building quite understandably resisted the notion that he should have to make alterations to his property for the sake of this one prospective patient. His building complied with all the existing zoning regulations and building codes for the city of London. This patient might well decide, after her first visit, that she did not like that chiropractor and would prefer to look for another one, or that she was cured of the problem that had sent her there in the first place and did not need any more treatments, or that she was moving away to another city, or any of a dozen other things that would have meant her first visit would also be her last.

After years of negotiations with the Human Rights Commission (which accomplished nothing) a board of inquiry was convened. The chiropractor, of course, had to retain a lawyer. He had to retain expert witnesses: one in construction and one in accounting. The cost of these professional services has not been made public, but they probably were not cheap.

The hearing finally took place in 1995—almost 7 years after the original complaint.¹ The issues were these:

First, did the absence of wheelchair accessibility constitute discrimination against the disabled woman? The board of inquiry said, “Yes.”

Second, did the chiropractor have a duty to accommodate the disabled woman? The board said, “Yes.”

Third, could the chiropractor accommodate the needs of the disabled woman without “undue hardship”? Again the board said, “Yes.”

The board ordered the chiropractor to install a wheelchair ramp leading from the parking lot to the first floor of the building where the waiting room and examining rooms were. The chiropractor’s expert had testified that this would mean the loss of one parking space on the premises, the loss of one examining room which would become too narrow to be used, and an outlay of approximately \$20,000. Furthermore, it would violate an existing zoning by-

¹ *Quesnel v. Eidt* (1995), unreported, Ontario Board of Inquiry, Board of Inquiry File # 92-0035, Decision #95-012.

law and permission would have to be sought from the city of London to make the alteration. The board held that none of these factors constituted undue hardship and that it was the chiropractor’s duty to accommodate the complainant by doing these things.

As well, the chiropractor was also ordered to pay the disabled woman \$500 in damages for infringement of her rights.

This is a pretty obvious example of a case in which it was held that the complainant’s “human rights” trumped the respondent’s property rights. The effect of the decision is tantamount to the Human Rights Commission simply expropriating \$20,000 worth of the chiropractor’s money and damaging his building in the bargain.

What makes this decision even more irrational, and futile, and destructive for all of society, not just the chiropractor, is that there is no evidence at all that the spending of this \$20,000 and the disfiguring of the building will ever bring any benefit to anyone—not even the complainant. If she needed chiropractic treatment back in 1988, there is a good chance she did not wait seven years for this decision to be rendered before going to another chiropractor. She has probably had her treatment long since and she may never set foot—or should we say, never set wheel?—in this particular building for the rest of her life. It may turn out that this clinic never gets another patient in a wheelchair. So this whole exercise may be all for naught: a dead-weight loss to the economy—and more especially to the chiropractor—and a monument to an ideology which holds that the acute sensitivity of one individual to insult or offence is all-important, while the right of another individual to control his property and retain the fruits of his labour counts for nothing.

This decision of the Board of Inquiry is particularly objectionable and frustrating because it is full of contradictions and inconsistencies, even on its own terms, and especially when you look at the purported goals of the Human Rights Code.

One of the themes of the decision is that people with disabilities are “seen both by themselves and by society as not the same as everyone else.” Unfortunately, building a wheelchair ramp will not change this. People in wheelchairs will still be unmistakably different. They will be the ones wheeling up the ramp while other people will be walking. If we really wanted to make the differences between disabled people and able-bodied people unobservable, we would have to pass a law requiring everybody to use wheelchairs.

A second theme in the judgment is that the disabled do not want charity or pity; they do not want to be dependent upon others. That is understandable—who does? But to pretend that this decision—or indeed, any application of the Human Rights Code—makes the disabled any less the recipients of charity or any more independent requires a prodigious feat of self-delusion. They may not be dependent on someone else to carry them up the stairs, but they are still dependent on someone else to build them a ramp.

**Canadian Property Rights
Research Institute**
PO Box 52099, 311 - 16 Avenue NE
Calgary, AB T2E 8K0



About CanPRRI

Founded in 1997, the Canadian Property Rights Research Institute (CanPRRI) is a non-profit, non-partisan, public policy research and educational institute headquartered in Calgary, Alberta. CanPRRI seeks solutions to public policy problems that respect the right to own and enjoy private property.

In order to remain independent, CanPRRI accepts no government funding. The Institute relies on support from individual contributions and sponsors in commercial sectors. The Institute's initiatives are administered by the Executive Director, who draws advice from the Board of Directors and an advisory board comprised of qualified individuals from academia and the general public. The Institute is a non-profit education organization incorporated under the Societies Act in Alberta. Due to the nature of CanPRRI's objectives, the Institute seeks charitable organization status.



"Fortunately the Marxist experiment has been deeply repudiated in virtually every part of the world. In a manner unthinkable a generation ago, there is literally no major society anywhere that embraces the view that collectivist solutions based on the elimination of significant property rights and functioning markets are a better, higher order than some kind of capitalism."

*Former Ontario Premier Bob Rae,
The Three Questions, 1998*

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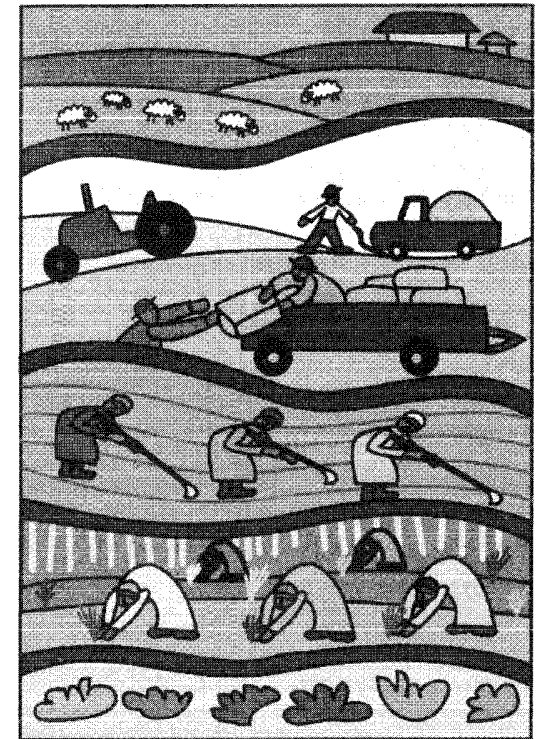
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Seeking solutions to
public policy problems
that protect
the right to own
and enjoy
private property.



Do You Own What You Own?

When you purchase property you decide how it is used, transferred, and the legal system ensures that you are protected from loss, through contract law, or from harm, through tort and nuisance law. This applies whether you own real property (land or buildings), personal property (tangibles like cars, grain, or firearms or intangibles like stocks, bonds, or bank accounts), intellectual property (copyrights, trademarks, or patents), or entitlements (pension benefits, tenure, or matrimonial property).

Ownership is not absolute. The state possesses the power of "eminent domain" such that it can expropriate private property to serve the public interest. Convention, common law, and statutes often stipulate that private property can only be taken through due process and with just compensation. However, the *Charter of Rights and Freedoms* does not contain an explicit provision obligating the state to do so. Moreover, the state may choose not undertake formal expropriation proceedings for property but can use regulation to limit or prohibit its use. Devaluing property in this manner without compensation is referred to as a "regulatory taking".

Do You Own What You Earn?

Government is necessary to preserve our freedom. The state collects taxes and in return provides national defense, courts of law, and police services. When government becomes the means to achieve broader social goals, taxation will increase. In order to give citizens maximum freedom to choose the services they wish to have and the extent to which they will be taxed the scope of government must be limited and the power of government should be localized.

CanPRRI seeks to examine the balance between private and common ownership structures, research limits to and decentralization of state power, and broaden awareness of the role of property rights in creating a free and prosperous society.

Why You Should Join the Institute

"In fact, most day-to-day freedoms are material freedoms. Your career, your home, your workout at the gym, shopping, travelling, entertainment, recreation, any buying and selling ... are all matters of property rights."

P. J. O'Rourke,
Why I Believe What I Believe, 1995

On your behalf the Institute:

- Performs and commissions research and literature reviews on property rights questions and issues that affect you;
- Publishes the results of such research in scholarly papers, books, and articles;
- Holds conferences for the presentation and discussion of papers and research for scholars, students, members of the public, and the media;
- Maintains an Internet website as an electronic library and source of online information;
- Disseminates research findings through the media through newspaper articles, opinion editorials, and radio and television interviews;
- Provides source material to the politicians, civil servants, and lawyers;
- Distributes information and insights through speakers' tours, round table discussions, and participation in panel discussions;
- Builds linkages and shares research results through a literature exchange with other policy institutes and educational organizations;
- Collects Case Files of property rights violations to target new areas of research and policy recommendations.

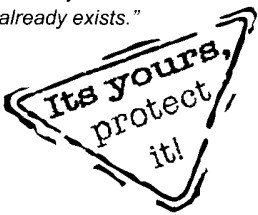
Yes! I want to be part of the Canadian Property Rights Research Institute's efforts to seek solutions to public policy problems that protect the right to own and enjoy private property:

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Membership Status: \$1,000
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- Restorer
Membership Status: \$500
Institute Restorers receive recognition in our publications, all publications, updates, notification of special events and 2 tickets for next event.
- Preserver
Membership Status: \$250
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- Basic
Membership: \$35
Institute Basic Members receive newsletters and notification of special events.

"It matters little that you hold the title to your property or business if government can dictate policy and procedure and holds life and death power over your business. The machinery of this power already exists."

Ronald Reagan,
Election Eve Speech, 1964



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Office of the City Clerk

FILE

June 6, 2001

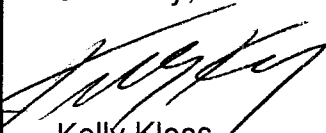
Mr. James Robertson
Alberta Urban Municipalities Association
8712 – 105 Street
Edmonton, AB T6E 5V9

Dear Mr. Robertson:

**Re: Resolution for 2001 AUMA Annual Convention
Smoking in Indoor Public Places**

Enclosed is a certified true copy of a Resolution passed by Council of the City of Red Deer for submission to the 2001 AUMA Annual Convention.

Sincerely,



Kelly Kloss
City Clerk

/chk
attach.

c Colleen Jensen, Director of Community Services
Don Batchelor, Recreation, Parks & Culture Manager
Gail Foreman, David Thompson Health Region

The City of Red Deer

AUMA RESOLUTION

Smoking in Indoor Public Places

Whereas, second hand smoke is a health hazard;

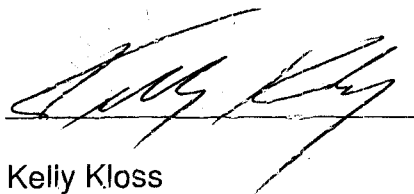
Whereas, nicotine is a highly addictive substance;

Whereas, it is desirable that all restrictions on tobacco use be consistent across the province, and

Whereas, the use of tobacco costs Albertans millions of dollars in health care cost annually;

Now Therefore Be It Resolved, that the Alberta Urban Municipalities Association request the Province of Alberta to draft appropriate legislation to protect Albertans from the dangers of second hand smoke.

Certified to be a true and correct copy of a Resolution passed by Council of the City of Red Deer on June 4, 2001.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', is written over a horizontal line.

Kelly Kloss
City Clerk

CITY OF RED DEER

BACKGROUND TO AUMA RESOLUTION

Smoking in Indoor Public Places

No Provincial legislation currently exists for the regulation of second hand smoke within Alberta. As a result, a number of Alberta Municipalities have enacted bylaws to regulate smoking. This results in a lack of consistency and uniformity in how this matter, that is a health risk to all Albertans, is regulated across the province.

Research and studies have shown that second hand smoke is a health risk. As Health Care is within the mandate of the Province of Alberta, it would seem logical that regulation of this health risk should be the responsibility of the Province to ensure that, throughout Alberta, steps are taken to reduce this risk to residents.

Council Decision – Monday, June 4, 2001

DATE: June 5, 2001
TO: Environmental Advisory Board
FROM: City Clerk
Re: *Smoking in Indoor Public Places*
AUMA Draft Resolution

LE

Reference Report: Environmental Advisory Board, dated May 24, 2001

Resolutions:

After considering the processes some Alberta municipalities have gone through to enact different bylaws to restrict smoking in indoor public places, The City of Red Deer encourages other municipalities to support a resolution asking the Province of Alberta to enact provincial legislation that would provide consistency and uniformity in regulating smoking in indoor public places.

Whereas, second hand smoke is a health hazard;

Whereas, nicotine is a highly addictive substance;

Whereas, it is desirable that all restrictions on tobacco use be consistent across the province, and

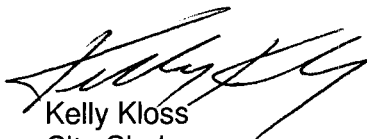
Whereas, the use of tobacco costs Albertans millions of dollars in health care cost annually;

Now Therefore Be It Resolved, that the Province of Alberta be requested to draft appropriate legislation to protect Albertans from the dangers of second hand smoke.

Report Back to Council: No

Comments/Further Action:

The above resolution will be forwarded to the AUMA by this office.


Kelly Kloss
City Clerk

/chk
attchs.

c Director of Community Services
Recreation, Parks & Culture Manager

Council Decision – Monday, June 4, 2001

DATE: June 6, 2001
TO: City Solicitor
FROM: City Clerk
RE: *Smoking in Indoor Public Places*

FILE

Reference Report: Environmental Advisory Board dated May 24, 2001

Resolutions:

Resolved that Council of the City of Red Deer, having considered the report from the Environmental Advisory Board dated May 24, 2001, re: Smoking in Indoor Public Places, hereby directs the Administration to prepare a bylaw to ban smoking in all indoor places that are accessible to the public where minors are permitted.

In addition to the above resolution, Council introduced but tabled the following resolution:

Whereas exposure to second hand tobacco smoke is a danger to human health; and

Whereas it is desirable that all members of the public have access to as broad a range of community amenities as possible; and

Whereas the presence of second hand smoke effectively prevents some members of the public from accessing indoor places where second hand smoke is present; and

Whereas the general public of the City of Red Deer has indicated a preference for a smoke free environment in places accessible to minors; and

Therefore be it resolved that Council hereby agrees to hold a plebiscite in conjunction with the 2001 Municipal Election asking if the public supports passing a bylaw to ban smoking in all indoor places that are accessible to the public where minors are permitted subject to the plebiscite question being approved by Council.

Report Back to Council:

Yes.

Comments/Further Action:

Please draft an amendment to the Health Bylaw (attached is a current copy) that would ban smoking in all indoor places accessible to the public where minors are permitted. As this is a broad statement, it was suggested that the bylaw clearly outline what is the intent.

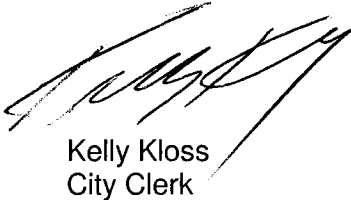
The City Manager suggested that the initial draft ban smoking in all public places where currently minors are permitted. This includes retail or wholesale establishments, restaurants, health and educational facilities, recreational facilities, banks, financial institutions, professional offices, buses, taxis, etc. The only place where smoking indoors would be permitted is where minors are prohibited by law. I am not sure if bingo halls would be included, as I know parents bring their children to the bingo hall although the children do not play bingo.

Then from this point provide Council with some alternatives should they want to allow some options for businesses such as:

1. To allow an establishment to have a designated smoking area provided that it is enclosed, has a separate ventilation system and minors are not allowed.
2. To specify that minors are not allowed in the establishment and smoking is allowed. This may be how Lethbridge handles bingo's.
3. Any other option you feel appropriate based on experience from Lethbridge and Edmonton.
4. That the bylaw come into effect not earlier than January 1, 2002.

As you are aware, there are other sections in the Health Bylaw that would be affected by this change and, as such, needs to be amended. I suggest that we do not create a new bylaw as many non-smoking signs in the community quote our current Health Bylaw number.

I ask that a draft of this bylaw be **submitted to me by June 27, 2001** to allow for it to be reviewed by Administration, changes made if required, and then a final draft submitted to Council on Monday, July 16, 2001.



Kelly Kloss
City Clerk

/chk
attchs.

c Mayor
City Manager
Director of Community Services
Environmental Advisory Board
Recreation, Parks & Culture Manager
Gail Foreman, David Thompson Health Region

BYLAW NO. 3156/X-2001

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map L8" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 18 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

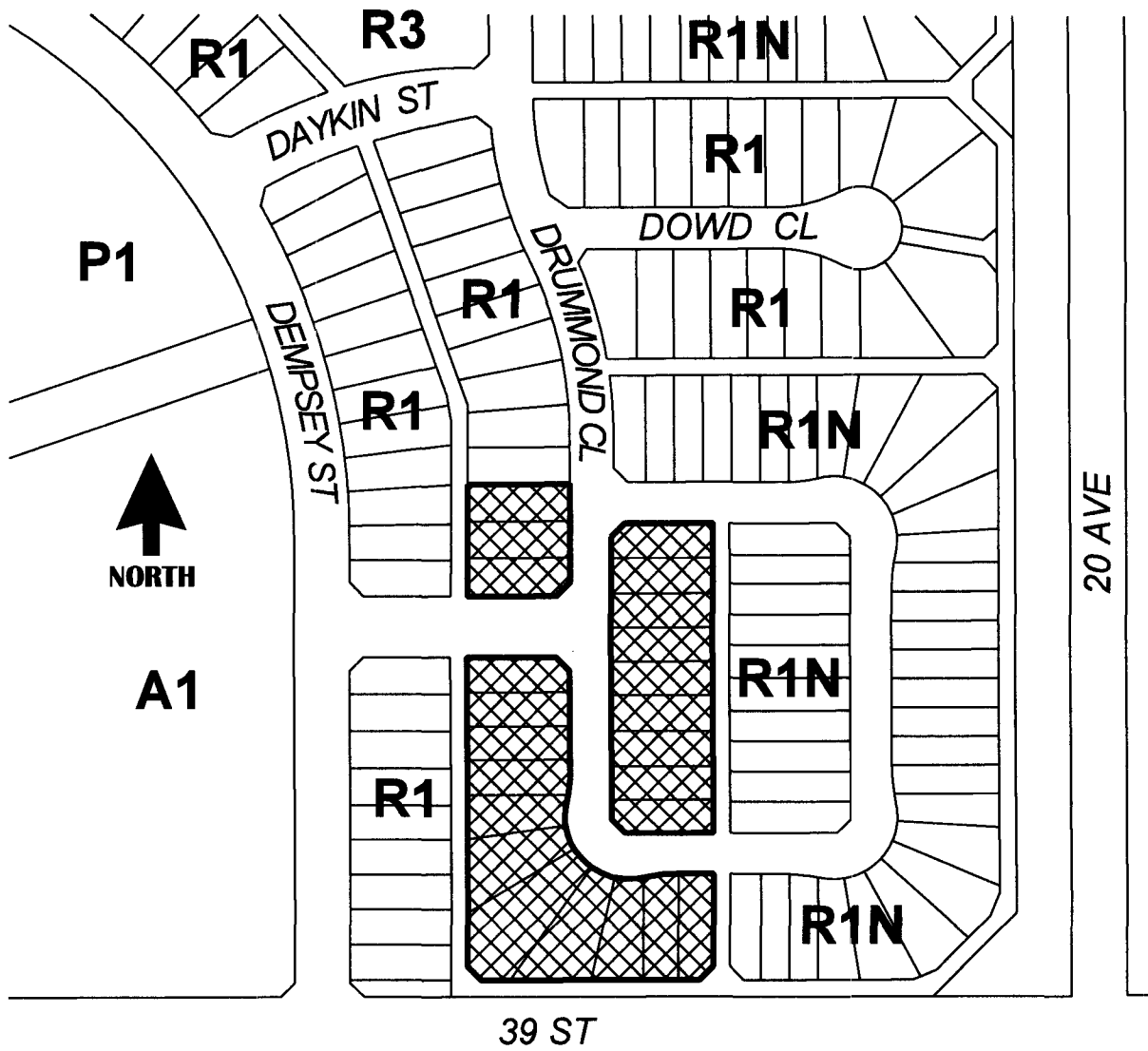
AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

MAYOR

CITY CLERK

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



AFFECTED DISTRICTS:

R1 - Residential (Low Density)

R1N - Residential (Narrow Lot)

Change from:

R1 to R1N 

MAP No. 18 / 2001

BYLAW No. 3156 / X - 2001

Item No. 2

BYLAW NO. 3186/A-2001

Being a bylaw to amend Bylaw No. 3186/97 the Traffic Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3186/97 is hereby amended as follows:

- 1 By deleting Schedule "D" and replacing it with the attached Schedule "D".

READ A FIRST TIME IN OPEN COUNCIL this day of 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

MAYOR

CITY CLERK

SCHEDULE “D”

Page 1 of 1

80 km/h

STREETS

- 1 19 Street from 375 metres east of 40 Avenue to the East City Limit

Item No. 3

BYLAW NO. 3217/C-2001

Being a Bylaw to amend Bylaw No. 3217/98, the Bylaw adopting The City of Red Deer Neighbourhood Area Structure Plans.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 Bylaw 3217/98 with regard to the Deer Park Northeast (Ratzke/Davenport) Neighbourhood Area Structure Plan, is amended by deleting therefrom Figure 4 and pages 12 and 13 and substituting therefore the attached amended Figure 4 and pages 12 and 13 which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

MAYOR

CITY CLERK



REVISED SEPT 22/98
REVISED JAN 21/00
REVISED MAR 30/00
REVISED APR 20/00
REVISED MAY 30/00
REVISED JULY 7/00
REVISED MAY 25/01

- AL-TERRA**
ENGINEERING LTD.

5.3 Land Use Distribution:

Table 1 illustrates the land use distribution for the outline plan area.

TABLE 1. OUTLINE PLAN STATISTICS:

TOTAL AREA OF ORIGINAL ¼ SECTION	65.026 Ha	160.68 Ac	
Ross Street and 20th Avenue Widening	4.031 Ha	9.96 Ac	
DEVELOPABLE AREA	60.995 Ha	150.72 Ac	100%
Single Family (R1)	19.149 Ha	47.32 Ac	31.4%
Manufactured Home Park (R4)	11.842 Ha	29.26 Ac	19.4%
Multiple Family (R2/R3)	3.939 Ha	9.73 Ac	6.5%
Duplex Lots (R1-A)	0.488 Ha	1.21 Ac	0.8%
Neighborhood Commercial (C3)	0.252 Ha	0.62 Ac	0.4%
Single Family - Narrow (R1-N)	5.744 Ha	14.27 Ac	9.5%
Social Care Sites (R1-A)	0.124 Ha	0.31 Ac	0.2%
Church Site (R1)	0.487 Ha	1.20 Ac	0.8%
Central Park (P1)	5.073 Ha	12.54 Ac	8.3%
Detention Pond	0.670 Ha	1.65 Ac	1.1%
Local Parks and Walkways (P1)	1.229 Ha	3.04 Ac	2.0%
Public Utility Lots (PS)	0.304 Ha	0.75 Ac	0.5%
Roads	11.664 Ha	28.82 Ac	19.1%
Collector	3.273 Ha	8.09 Ac	
Residential	5.849 Ha	14.45 Ac	
Lanes	2.542 Ha	6.28 Ac	

The total municipal reserve area, including the central park site, and excluding the main detention pond area is approximately 6.302 hectares (15.57 acres). This represents some 10.33% of the developable land area. As addressed in Section 5.2.1, there will also be a significant amount of landscaped area within the manufactured home park.

5.3 Land Use Distribution: (continued)

We believe the land use distribution, as proposed, illustrates a well balanced development, with sufficient narrow, duplex and multifamily area (16.72 percent of the developable land area) to create some density, for the quarter section. Meanwhile the single family component is 31.4 percent of the developable land area. Actual lot sizes and land uses will determine final densities. An approximate dwelling unit and population density for the quarter section is as follows:

Residential Uses:

ITEM	No. of Units	Persons/Unit	Population	Population Density
Single Family	345 - 365	3.4	1173 - 1241	61 - 65/Ha
Duplex	10	3.3	33	68/Ha
Multi Family	139 - 177	2.8	389 - 496	101 - 128/Ha
Manufactured Home	172	1.7	292	25/Ha
Narrow	114	3.3	376	65/Ha
Total Site	780 - 838	-----	2263 - 2438	37 - 40/Ha

The outline plan also provides for the following required facilities and alternative usage sites:

- * Social Care Site: 0.124 Hectares (single family)
- * Church Site: 0.487 Hectares (single family)

6.0 TRANSPORTATION:

6.1 Transportation Circulation Pattern

The traffic circulation pattern proposed in the outline plan conforms to the East Hill Area Structure Plan. At some point in the future, there will be two arterial roadways adjacent to the quarter section:

- * Ross Street along the northern boundary of the quarter section. The east half of this arterial roadway is constructed.

Item No. 4

BYLAW NO. 3283/2001

Being a bylaw to close a portion of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 The following portion of roadway in the City of Red Deer is hereby closed:

"All that portion of Averill Street, Plan 002 4107 lying within the limits of Plan _____ (Aspen Ridge – Phase 7). Excepting thereout all mines and minerals."

READ A FIRST TIME IN OPEN COUNCIL this	7	day of	May	2001.
READ A SECOND TIME IN OPEN COUNCIL this		day of		2001.
READ A THIRD TIME IN OPEN COUNCIL this		day of		2001.
AND SIGNED BY THE MAYOR AND CITY CLERK this		day of		2001.

MAYOR

CITY CLERK