

UBC Vancouver Business License Regulation for UBC *Neighborhoods* (For the purposes of this document, the “Regulations”) – October 2009

Part 1 Requirements for a Business License

1.1 Regulations

- 1.1.1 Business Licenses are required for any person to carry on a Business in a Neighborhood on the UBC Vancouver Point Grey campus.
- 1.1.2 All Businesses in a neighborhood must comply with these Regulations.
- 1.1.3 All applications for Business Licenses shall be reviewed and processed and, if approved, issued by Campus and Community Planning.
- 1.1.4 Business Licenses issued according to these Regulations do not permit or authorize construction or development in a neighborhood. Construction and development in a neighborhood may be subject to additional approvals, including development permits and building permits.

Part 2 Definitions

2.1 In this document:

“Automatic Teller Machine” means a machine that permits a customer to access and use certain financial services customarily provided by a Financial Institution, and includes such a machine that is located in or affixed to any premises, including the premises in which a Financial Institution operates its principal business if the machine can be accessed by customers outside of the Financial Institution’s regular business hours;

“Building Contractor” means a person who carries on the business of constructing, altering, repairing, or maintaining buildings, structures, other improvements, or land;

“Business” means either:

- (a) (i) carrying on a commercial or industrial activity or undertaking of any kind; or (ii) providing professional, personal or other services for the purpose or gain, or
- (b) the party carrying on one or more of the activities described in subsection (a) above,

but does not include an activity carried on by the University, by corporations owned by the University, by agencies of the University or any of its subsidiaries.

“Business License” means a license required for any person carrying on a Business in a Neighborhood,

“CCP” means the UBC Comprehensive Community Plan;

“Commercial Dog Walker” means a person who walks a dog or dogs for a fee;

“Cosmetic Service Provider” means a person, other than a person licensed by the B.C. College of Physicians and Surgeons, who carries on the business of providing cosmetic or grooming services in any of the following categories: hair cutting or styling, tanning, skin treatments, nail treatments, tattooing, or massage;

“Daycare” means the Business of caring for more than three children in or at one home, office, facility or other premises;

“Director of Planning” means the Director of Planning, Campus and Community Planning;

“Employee” means a person engaged by a Business for the provision of services for remuneration, and includes an owner, partner, principal, joint venturer, limited partner or officer in respect of the Business;

“Financial Institution” means a bank, credit union, trust company or other similar Business that, among other things, accepts deposits, invests money, or lends money;

“Inspector” means the Chief Building Official or any other person appointed from time to time by the Director of Planning for the purpose of enforcing and carrying out the provisions of these Regulations;

“Home based Business” means a Business conducted as an accessory use subordinate to the principal residential use of a dwelling unit (residence), and conducted within the principal building on site;

“Licensee” means a person holding a valid Business License;

“Liquor Establishment” means a Business whose primary purpose is the sale and service of alcoholic drinks to customers for consumption on the premises;

“Liquor Licensed Restaurant” means a Restaurant where customers may only consume alcohol if they also order food, and in respect of which premises a license is required or obtained from the Provincial government pursuant to the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c.267, as may be amended from time to time;

“Minimum Impact on the Environment” describes activities that promote the reduction, reuse and recycling of equipment; reduce the use of materials toxic to the environment; and standardize common supplies and equipment where possible;

“Neighborhood Plan” means a land use and development plan for a local area of the university approved by the UBC Board of Governors and deemed by the Greater Vancouver Regional District to be consistent with the OCP;

“Neighborhood” means the plan areas identified in the OCP and the CCP, which, for greater certainty, are the following: the Theological Neighborhood, University Boulevard, East Campus, Mid Campus, South Campus, North of Marine, Thunderbird and Gage South; (see Schedule B - Neighborhood Use Summary)

“Official Community Plan” means the Greater Vancouver Regional District Official Community Plan for Part of Electoral Area “A” (UBC Area) Bylaw No. 840-1996, as it may be amended from time to time;

“Pet Care Establishment” means the business of providing grooming, training, or day care with respect to any type of domestic animal;

“Pub” means a Business conducted from a premises where customers may order or consume alcoholic beverages with or without food, and for which a license is required or obtained from the Provincial government pursuant to the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c.267;

“Registered Society” means a not-for-profit society that is registered with the Registrar of Companies under the *Society Act*, R.S.B.C. 1996, c. 433;

“Restaurant” means the use of the premises for the primary purpose of selling and serving prepared food to the public;

“Retail Dealer” means any person who carries on the business of selling commodities other than food stuffs directly to the public;

“Retail Dealer- Food” means any person who carries on the business of selling commodities including food stuffs directly to the public;

“Retail Dealer Grocery” means any person who carries on the business of selling commodities including food stuffs directly to the public and whose business customarily includes two or more of a bakery, butcher, delicatessen and food service (snack bar);

“Retail Liquor Store” means a Business conducted from a premises at which bottled or packaged alcoholic beverages for consumption at premises other than the retail liquor store premises are sold or offered for sale;

“Special Event” means a farmers’ market, craft fair, auction, or other gathering of people at a temporary location for buying and selling, offering for sale or bartering goods and/or services;

“Storage” means a Business consisting of storing chattels for a fee;

“Vehicle” means any device in, on or by which a person or thing can be transported on land;

“Vending Machine” means a machine or device operated by the insertion of cash, slug or card for the purpose of selling or dispensing any commodities or providing music, games, amusement or services of any kind, but does not include an Automatic Teller Machine or a coin-operated washer or dryer;

“Veterinary Clinic” means a Business consisting of providing medical treatment to animals with or without accessory Pet Care Establishment services, and includes overnight boarding of patient animals;

“University Vancouver (Point Grey) Campus” means the portion of the UBC Vancouver Campus located at Point Grey in Electoral District “A” in the Greater Vancouver Regional District where the University carries out its core academic mission (teaching, research, cultural expression, support facilities).

Part 3 Business Licenses

3.1 Business License Requirement

- 3.1.1 A person must not carry on any Business in a Neighbourhood without a valid and subsisting Business License issued to that person for that Business.
- 3.1.2 Every person who operates a Business at more than one establishment in one or more Neighbourhoods must apply for a separate Business License in respect of each establishment.
- 3.1.3 Every person who operates more than one Business from the same premises must apply for and maintain a separate Business License in respect of each Business.
- 3.1.4 Every Business License issued is personal to the Licensee therein named and may not be transferred to another person.
- 3.1.5 A person must not carry on a Business in or on any premises other than those identified on the Business License without first making an application for a new Business License or a change to the Business License under Section 3.5.
- 3.1.6 Every holder of a Business License must keep a copy of the Business License posted in a conspicuous place on their Business's premises or in the Vehicle, place or structure in respect of which the Business is carried out or undertaken and for which the Business License is issued.

3.2 Business License Fee

- 3.2.1 Every person applying for a Business License must, at the time of making the application, pay to the University the fee for the business as specified in Schedule "A".
- 3.2.2 Despite section 3.2.1, the Business License fee will be reduced by one-half in respect of any Business that comes into existence or begins operations in a Neighbourhood after July 31st in any year, except those Business License fees that are calculated on a daily basis.

3.3 Business License Applications

- 3.3.1 Every application for a Business License must:
 - (a) be made to the Inspector on the form approved by the Inspector for that purpose;
 - (b) be signed by the owner of the Business or his or her or its agent authorized in writing by the owner; and
 - (c) contain the following information:
 - (i) a description of the nature of the Business;
 - (ii) a description of the Business's premises, including its civic address;
 - (iii) the square footage of the Business's premises;

- (iv) the number of employees engaged in the Business at the premises;
- (v) the number of Automatic Teller Machines, parking spaces, laundry machines, Vehicles for hire, and Vending Machines, if applicable, involved in the Business;
- (vi) proof of any certification, approval or qualification which is required from the University or a federal, provincial or municipal authority in order to operate the Business; and
- (vii) information about any other Business Licenses held, currently or in the past, by the applicant, if any.

3.4 Business License Periods

- 3.4.1 Business Licenses are valid for the period commencing January 1st and expiring December 31st of each year.
- 3.4.2 Despite section 3.4.1, a Business License for an Itinerant Show or Special Event is valid for one day or such other period of time identified on the Business License.

3.5 Business License Changes

- 3.5.1 For the purpose of this section, “change” means:
 - (a) a change to the location of the premises or place of business for which the Business License was issued;
 - (b) a change to the name of the Business;
 - (c) a change to a term or condition on which the Business License was issued; and
 - (d) a change that would change the Business License fee payable by the Business License holder under Schedule “A” of these Regulations.
- 3.5.2 The holder of a Business License may apply at any time to the Inspector for a Business License change described in section 3.5.1, on the form approved by the Inspector for that purpose.
- 3.5.3 A person applying for a Business License change under to section 3.5.1(d) must, at the time of making the application, pay to Campus and Community Planning the fee identified in Schedule “A” and the amount, if any, by which the Business License fee under Schedule “A” will increase as a result of the change.

3.6 Inspector’s Powers and Duties

- 3.6.1 On receipt of an application and before issuing any Business License or authorizing a change with respect to an existing Business License, the Inspector may:

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- (a) at a reasonable time and in a reasonable manner, inspect the premises for which the Business License or the change to an existing Business License is sought; and
 - (b) require the applicant to provide supplementary information and proof of any certification, approval, or qualification from the University or a federal, provincial or municipal authority in order to operate the Business.
- 3.6.2 An Inspector may issue a Business License on and may impose at any time during the validity period of a Business License, such terms or conditions as the Inspector deems appropriate in the circumstances, provided that such terms and conditions are consistent with these rules and conditions, with the University policies and procedures or any applicable federal, provincial or municipal enactment. Without limiting the foregoing, the terms and conditions may relate to:
- (a) the validity period of the Business License;
 - (b) the hours of operation of the Business;
 - (c) the maximum number of occupants allowed at the Business's premises; or
 - (d) actions, measures, policies or restrictions to be implemented to ensure compliance with these rules and conditions and with applicable University policies.
- 3.6.3 An Inspector may refuse an application for a Business License for failure by the Business to comply with these rules and conditions, with the University policies and procedures or any applicable federal, provincial or municipal enactment. An Inspector's decision to refuse an application shall be made in writing, setting out a summary of the reasons for the refusal.
- 3.6.4 Every Licensee shall give to the Inspector and to any member of his or her staff authorized by the Inspector for the purpose, such access at any reasonable hour to the Business's premises and every part thereof and such information with respect thereto as may be reasonably required to enable necessary inspection to be made. Without limiting the foregoing, an Inspector may enter the portion of the Business's premises that is open to the public during business hours, if any, for the purpose of inspecting and determining whether these Regulations are being complied with.
- 3.6.5 An Inspector may suspend or cancel a Business License at any time for failure by the Business to comply with the terms of the Business License, these rules and conditions, with the University policies and procedures or any applicable federal, provincial or municipal enactment.
- Unless inappropriate in the circumstances, an Inspector wishing to suspend or cancel a Business License shall provide the Business with five business days' notice of the suspension or cancellation, setting out the reasons for such action and the steps that must be taken by the Licensee to avoid suspension or cancellation.
- 3.6.5 Campus and Community Planning will maintain and keep a record of each Business License issued and a record of all expired, suspended and cancelled Business Licenses.

3.7 Reconsideration and Appeal of an Inspector's Decision

- 3.7.1 An applicant or Licensee who wishes reconsideration of an Inspector's decision to refuse, suspend or cancel a Business License must, within ten business days of the date of the refusal, suspension or cancellation, deliver to the Director of Planning, a written request stating the grounds upon which the request for reconsideration is based together with relevant supporting information and evidence, if any.
- 3.7.2 The Director of Planning will consider all requests made under Section 3.7.1 and issue a decision within 10 business days of receipt of a request.
- 3.7.3 The applicant or Licensee (in this section, the "Appellant") may request an appeal of the Director of Planning's reconsideration within 5 business days of receipt of the Director of Planning's decision. All applications for an appeal must be in writing and otherwise in the manner prescribed by Campus and Community Planning from time to time. The Associate Vice-President, Campus and Community Planning shall hold a hearing in respect of the appeal. The Associate Vice-President, Campus and Community Planning may grant or refuse the appeal and grant such remedy as the Associate Vice President, Campus and Community Planning deems appropriate. The Associate Vice President, Campus and Community Planning's decision shall be final and binding on the Appellant.

Part 4 General Regulations

- 4.1 It is a term and condition of every Business License that a Licensee will maintain their premises and surrounding areas in a clean and tidy condition to the satisfaction of the Inspector.
- 4.2 It is a term and condition of every Business License that no Business may cause, allow or permit:
 - (a) an odour to escape from the premises including odours from garbage generated by that Business, whether through a ventilation fan or otherwise, that: (i) is perceptible in any nearby residential or commercial premises, or (ii) disturbs, or is likely to disturb, the enjoyment, comfort or convenience of an individual in the residential or commercial premises; and
 - (b) a noise to emanate from the premises whether from a ventilation fan or otherwise, that is (i) perceptible in any nearby residential or commercial premises, or (ii) disturbs, or is likely to disturb, the enjoyment, comfort or convenience of an individual in the residential or commercial premises.

Part 5 Offences

- 5.1 The Business License of a person who:
- 5.1.1 violates a provision of these Regulations, including any of the following:
 - 5.1.1.1 carries on a Business without a holding a valid Business License for that Business;
 - 5.1.1.2 fails to display a valid Business License as required by these Regulations;
 - 5.1.1.3 fails to provide any documentation or information as required by these Regulations;
 - 5.1.1.4 carries on or remains open for business after receiving notice that the Business License for that business has been suspended or cancelled; or
 - 5.1.1.5 breaches any term or condition of his or her Business License, or
 - 5.1.2 who consents, allows or permits an act or thing to be done in violation of a provision of these Regulations, or who neglects or refrains from doing anything required by a provision of these Regulations,
- may, in the discretion of the Inspector, be suspended or cancelled, or otherwise subject to an additional charge upon the renewal of the Business License that may be approved by the University from time to time.

Part 6 General

- 6.1 If any portion of these Regulations is held to be invalid by a court of competent jurisdiction, it shall be severed from the Policy and the remaining portions shall remain in full force and effect as if the Regulations had been approved without the invalid portion.
- 6.2 Schedules "A" and "B" attached here to form a part of this Policy.

Schedules

Schedule A -Business Categories and Fees

Use Category	Uses	Fee/year
Automatic Teller Machine	Automatic Teller Machine	\$200 per machine
Commercial Dog Walker	Commercial Dog Walker	\$100
Community Association or similar organization incorporated under the "Society Act"	Non-profit organizations	\$2
Building Contractor	Building Contractor	\$200
Cosmetic Service Provider	Hair cutting or styling, tanning, skin treatments, nail treatments, tattooing, or massage	\$100
Day Care	More than 3 children	\$100
Home Based Business	Home Craft, Home Office	\$50
Limited Service Food	No more than 16 seats, no alcoholic beverages	\$400
Liquor Establishment	Neighborhood Pub	\$5.00 /seat
Non-Profit Organizations* or similar organization incorporated under the society act *Not affiliated with UBC	Non-Profit Organizations	\$2
Office	General Office, Institutional Research, Medical, Financial Institutions, Professional Offices. Other similar office uses not specifically listed	\$120
Personal Services	Dry-cleaners, Financial Institutions, Beauty Salons/Barber Shops, Travel Agents. Other similar personal service uses not specifically listed	\$120
Retail Dealer	Books, Art, Bicycles, Clothing,, Music Store and Other similar retail uses not specifically listed	\$120

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Retail Dealer - Food	Delicatessen, Bakery, Coffee Shops	\$240
Retail Dealer - Grocery	Safeway/Save-On Foods	\$600
Retail Liquor Store	Retail Liquor Store	\$300
Restaurants	17 or more seats	\$600
Special Event	A farmer's market, craft fair, at a temporary location	\$20
Vending Machine	Vending Machine	\$50 per machine

Schedule B

UBC Vancouver Neighborhood Use Summaries

1. Chancellor Place - Theological Neighborhood Plan

- 2.3.3 Commercial and Mixed Uses

(a) Most of the Neighborhood service and retail facilities will be provided in the mixed use development along University Boulevard

(b) The inclusion of *small neighborhood coffee shop / corner store facility* or other small scale service facilities would be permitted and encouraged at the Theology Square

(c) Where appropriate ground oriented residential units will be encouraged to be designed for live-work units.

2. University Boulevard Neighbourhood Plan

- 2.3.2 Commercial and Mixed Uses

All sites within the University Boulevard Neighborhood permit commercial uses on the first two floors, aimed at serving the University population. The maximum total allowable ground floor retail space within the neighborhood, as per the OCP, is 4500m². (48,420sq.ft.)

Retail uses are outlined in the OCP but not limited to: restaurants, fast food outlets (with substantial outdoor seating);personal services such as hair salons; cleaners, travel agents, photocopy shops; offices; convenience groceries and other specialty retail shops selling books , art, bicycles clothing or music.

Additional below grade and second storey commercial is permitted in the OCP, with no defined space limitations.

Institutional space is permitted within the neighborhood with no defined space limitations.

3. East Campus Neighbourhood Plan

- 2.3.4 Ancillary Uses

The following ancillary uses are allowed within all land use designations:

- Day care
- Local commercial - i.e. corner store or coffee shop
- Live/work (home occupations consistent with a residential area)
- Community buildings

4. Hawthorn Place - Mid Campus Neighborhood Plan

- 2.3.4 Ancillary Uses

The following ancillary uses are allowed within all land use designations:

- Day care
- Local commercial - i.e. corner store or coffee shop
- Live/work (home occupations consistent with a residential area)
- Community buildings

5. Wesbrook Place - South Campus Neighborhood Plan

- 2.2.3 Commercial And Mixed Use

The area of the mixed use commercial centre is 35,045 sq.m. Ground floor retail space will be a maximum of 6000 sq.m. Other than neighborhood grocery which may be up to 3,000sq.m, individual retail uses will be small, in the range of 100-350 sq.m.

Commercial use is limited to the first two stories.

6. Hampton Place

- Hampton Place, a multi-family residential community ,was constructed in 1989, prior to the creation of the Official Community Plan and consists of 957 units in 11 buildings
- Live/work activities are permitted for home occupations consistent with a residential area