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No escaping a year of government regulation



B.C. premier Gordon Campbell became such a strong symbol for the frustration over implementation of the harmonized sales tax that he was forced to tender his resignation as premier .

Sean Connor/Capital News

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When it came to regulation in 2010, nothing came close to creating the controversy that the Harmonized Sales Tax did.

The tax, a blending of the former seven per cent provincial sales tax and the five per cent GST into a single new 12 per cent sales tax, raised the ire of hundreds of thousands of B.C. residents even before it came into effect July 1.

FightHST, an organization fronted by former B.C. premier Bill Vander Zalm, circulated petitions in a bid to force the government to scrap the tax, which is applicable to many items and services previously excluded from the old provincial sales tax.

That means a myriad of items and services, including such things as restaurant meals, funerals and some previously exempt children's clothes, are now seven per cent more expensive.

The petitions attracted 700,000 signatures, more than the 10 per cent of eligible voters in each riding in B.C. required to have the petitions accepted by Elections B.C.

The success of the petitions led a Liberal/NDP committee of the Legislature to recommend the HST be put to the public vote next September under B.C.'s initiative rules.

Premier Gordon Campbell immediately announced the vote would be binding and would not require anything more than a simple majority to pass. Under the initiative law, the vote did not have to be binding on the government.

Despite that, public anger grew, especially when it was learned officials in the government had been talking to Ottawa about the HST before the last provincial election, despite Campbell and Finance Minister Colin Hansen saying at the time that an HST for B.C. was “not on their radar.”

The tax was announced, without public consultation, just days after the Liberals were returned to power in 2009. The implementation date was set for July 1, 2010.

In addition to the petitions forcing the vote on the future of the tax, FightHST drew up a list of 24 MLAs it planned to target for recall in a bid to pressure the government to kill the tax.

But while many businesses, especially restaurants, view the HST as a business or job killer, its biggest casualty so far has been the political future of Campbell.

Faced with the lowest approval ratings of any premier in the history of the province at just nine per cent, Campbell announced in November that he would step down because he had become the touchstone of criticism about the tax and that was detracting from the work his government was trying to do.

In the race to succeed Campbell, the five hopefuls—former cabinet ministers and current MLAs Kevin Falcon, George Abbott, Moira Stillwell and Mike DeJong, as well as former MLA and cabinet minister turned radio talk show host Christy Clark—have all come out in support of the HST.

But most now say it looks like the HST will be rejected in the referendum. Despite that, several

want the referendum date moved up.

Clark, who said she understands why the government made the “hail Mary” move to bring in the HST—B.C. received \$1.6 billion from the federal government at a time when its deficit was spiraling out of control— she thinks rather than spend millions on the referendum, MLAs should vote on the tax’s future in the legislature.

That was what the Opposition NDP originally wanted but now oppose.

Meanwhile, the first HST-related recall attempt is underway against Vancouver Island Liberal MLA and cabinet minister Ida Chong.

Local HST opponents here say they will launch a recall bid against Kelowna-Mission MLA and Energy Minister Steve Thomson in the spring. Thomson and the other two Liberals, Kelowna-Lake Country’s Norm Letnick and Westside-Kelowna’s Ben Stewart, the agriculture minister, were also on the FightHST “hit” list of MLAs it wants recalled for their support of the HST.

As the year closes, the battle over the HST is just heating up.

—Alistair Waters

Drinking and driving

Of all the new regulations that came with getting behind the wheel in 2010—from no chatting on your cell without a hands-free device to rules governing excessive speed—nothing prompted more fear and concern than new legislation surrounding drinking and driving.

In September, strict new legislation, prompted by the 2008 death of four-year-old Alexa Middelaer by a drunk driver, came into effect.

Sanctions include the potential of vehicle impounds and licence suspensions for drivers caught with a blood alcohol level over the “warn” level of .05.

In the weeks that followed the law coming into effect, it quickly emerged that the penalties for drinking that was below the criminal threshold prompted confusion amongst citizens about what was a safe amount to drink before getting behind the wheel.

Rather than risk losing their wheels, many people began skipping their wine with dinner—or staying away from the pub altogether—afraid that a drink could put them over the vaguely understood limit of .05.

Being above that “warn” level—but below the criminal threshold of .08—could prompt a driver on a first offence to lose their licence for three days, possibly have their vehicle taken for the same period, and pay a number of fees, including a \$200 administrative penalty, a \$250 licence reinstatement fee and costs associated to impounding the vehicle.

In addition to the public fear, the new law prompted civil rights concerns, as the law allowed officers to essentially become the judge and jury and pull a vehicle off the road or suspend a licence without any avenue for appeal by the driver.

The restaurant and bar industry also became vocal, as they began feeling the pinch as many patrons decided to skip the alcohol, causing an estimated 15 to 30 per cent hit to the hospitality

industry. In an attempt to stem the losses, some businesses began running shuttle buses to get customers home.

Police even began running demonstrations where members of the media drank and had their blood alcohol level tested in an effort to clear up “misinformation” about the new law.

Seven weeks after the law came into effect, the provincial government decided to take a second look at what they called the “unintended consequences” of the public’s reaction to the new penalties.

Solicitor General Rich Coleman said it had become an “urban legend” that people can’t even have one drink if they’re going to drive home and said the public—and police—needed more education about the measures.

He asked ICBC to help educate the public during their annual CounterAttack advertising programs and efforts to take a second look at the legislation were ongoing at the end of 2010.

—Cheryl Wierda

Water supply

Water was a major topic of conversation this year in the Okanagan with completion of a \$3 million, three-year, multi-disciplinary water supply and demand study, providing the foundation for future planning.

The Okanagan Basin Water Board study showed that Okanagan residents use double what the

average Canadian does, and nearly six times what the French use, yet this is the most water-short area of the country.

Another surprise discovery was that the second highest portion of Okanagan water use is outdoors on gardens and lawns, washing cars and driveways.

Anna Warwick Sears, executive director of the OBWB commented, “We could provide water for double this population if we just took out a third of our lawns.”

The study was a collaboration of all levels of government and other agencies such as the OBWB.

Its data is intended for use by those agencies to help in ensuring that future growth occurs where water is available, since that varies throughout the valley.

Work continues to add data to the study on such facets as groundwater, about which there is less known than about the valley’s surface water resources.

However, the study did show there is more groundwater used than was thought, and aquifers are linked to surface water.

Meanwhile, the province embarked on a Water Act modernization project, to update the century-old document, and began gathering public input to incorporate into it.

Groundwater licensing, licensing allocation and priority, water for agriculture, water pricing, protection of water quality, stormwater management and hydrometric monitoring are all issues that were discussed during the year as part of the modernization process, which will continue

into the new year.

Then, as the year drew to a close, a ministerial reorganization resulted in formation of a new Ministry of Natural Resource Operations, which included water use planning and authorizations, watershed restoration, fish, wildlife and habitat management, drought management, dam and dyke safety and regulation, flood plain management, public backcountry and commercial recreation, recreation sites and trails and a number of other water-related responsibilities. All were moved from other ministries into the new one.

—Judie Steeves

Wild ride for farmers

It was a roller coaster ride for farmers in the Central Okanagan this past year, just like the weather.

Until June, the forecast was for a continued drought, with some reservoir lakes not expected to fill, and concerns there might not be even enough water to irrigate all summer, but then it began to rain.

That meant a short summer, particularly since fall weather really settled in about mid-August, a month or so early, slowing down the ripening process in valley vineyards where heat needed to develop optimum wine flavours are vital late in the season.

However, that was good news for apple growers, because the cooler weather coloured up the fruit and kept it nice and firm as it was picked and packed away.

Unfortunately, prices did not climb much higher than the previous year, when many growers found they didn't even cover the cost of production.

Cherry growers faced an even larger fright, as a new and potentially deadly pest arrived in B.C. from Asia. The spotted wing drosophila is a vinegar fly that feeds on ripening fruit, destroying it for market.

Prior to maturity, there are no indications the pest is present, and few chemical sprays are safe for use close to harvest, so once discovered, the pest can destroy an entire crop in no time, with no warning.

Some growers picked their fruit but had it refused at the packinghouse, where there's a no worms policy, because drosophila was discovered in the shipment.

The new pest comes at a time when growers had just reduced the amount of chemical pesticides they apply to fruit with a new control for cherry fruit fly.

—Judie Steeves

Defining public nudity

If there was an example of government infringement in the arts this year, it's somewhere in Cory Dixon's battle with bylaw officers.

Dixon is a young artist who wanted to stir the pot by getting Okanagan residents to look closer

at our attitude toward male nudity while at the same time carving a place for himself among a landscape of galleries he was not entirely qualified to get into.

With running cuts taking centre stage for most of the mainstream and larger institutions, burgeoning talent had to get somewhat creative this year to get noticed and Dixon seemed to know the playbook from the get go.

He started with an initiative called the “grassroots project,” telling the Capital News his idea to use empty real estate space, like storefronts yet to be rented during the recession, was a “sort of rejuvenating project for the community.”

The naked truth of the matter was that his art, which featured male models without their pants on, probably wasn’t going to fly under those circumstances.

When his first attempt to show his life-size, nude installations brought a request from an influential business person to take it down, he moved to a second location where mayhem ensued.

After placing a sandwich board on the sidewalk advertising the show, he was told he would have to colour out the penis in the painting or face a fine.

Earlier in the year, the Kelowna Art Gallery had chosen to put a curtain around a Joyce Hall painting of a nude man and the combination of the two events sparked quite the debate.

Arguing that in an age where baseline arts institutions were struggling to get by, young artists need a place to express themselves, was Cory Dixon.

Arguing that public nudity should not be tolerated even in art—though it is not expressly written in any bylaw—was the city’s bylaw department.

—Jennifer Smith

Policing land and water

The biggest news on the Westside over the past year involved regulation around the uses of land and water.

Primary among these were new rules around temporary living places, from secondary suites to houseboats.

The other prime candidate for regulation was the movement and extraction of soil and rocks.

Gravel pit applications met with disapproval across the Central Okanagan, from a Pyman Road proposal in Joe Rich to another proposed operation in Fintry, up Westside Road.

The board of the Regional District of Central Okanagan registered their opposition to the Fintry pit, an application by Westbank First Nation and Canadian Aggregates Inc. to haul up to 249,000 metric tonnes of gravel per year from the site.

Another project proposed near Peachland drew protestors locally and from the Fraser Valley.

As a committee of government, industry and citizen representatives began working to identify appropriate places for sand and gravel operations to take place, municipalities began to put

through bylaws on how soil and earth could be moved, and at what cost.

West Kelowna continued to consider the final draft of their bylaw into the new year.

The West Kelowna Residents' Association had found the bylaw to be too restrictive and punitive, and the legislation was met with protests from the gravel industry as well.

Regulation took centre stage on the waters of the Westside, as the district of West Kelowna struggled to deal with the numbers of houseboats and other vessels moored in Gellatly Bay.

The district applied for a license of occupation for the water property, which would allow them to deliver eviction notices.

After receiving the provincial license, West Kelowna asked houseboat owners to vacate the bay. Most left, while a few boats moored nearby off Kalamoier Regional Park.

The legal contest was watched by boat residents in coastal B.C. as potentially precedent-setting. Coastal communities at Bowen Island and Oak Bay were struggling with similar issues around residential boats.

Ruling around temporary accommodations on land also came to the fore, with debates over how to handle the more than 1,000 illegal secondary suites in the district of West Kelowna.

Early in the year, the district adopted a draft policy to have homeowners with illegal secondary suites legalize the units, or have them shut down.

Debates over applications and how secondary suites affect single-family residential areas took place at public information sessions and residents association meetings.

Bylaw adjustments passed third reading in September as West Kelowna council continued to hammer out their stance on the suites.

—Mike Simmons

Tough on smokers

Smokers should have suspected an end to their public puffing at the turn of the century when the provincial governments started getting bar and restaurant patrons to butt out.

Years later when dedicated smoking rooms, taxis and doorways became verboten, the end of lighting up was clearly near.

Yet many still managed to muster surprise this year when Kelowna, alongside other cities in B. C., voted in a bylaw making public beaches, sports fields and parks smoke-free.

The bylaw takes effect in the next month.

“It’s ridiculous. I like to relax, and smoking helps me do that,” said one puffer who was lurking in the middle of Orchard Park mall’s parking lot, the day the bylaw came before council.

Another man walking by the front door, feverishly sucking on a ciggie replacement, agreed the ban was over the top.

“If someone wants to smoke, they should be able to smoke. I just don’t want to,” he said.

At that point the bylaw was just being introduced to the City of Kelowna, but pressure for a widespread butt-out has been building for years.

Nearly 40 other municipalities across Canada have taken the step to ban smoking in publicly owned spaces, so it wasn’t entirely unusual to see this city’s great outdoors go off limits.

The movement is hinged on arguments that cigarettes pose a serious fire hazard, are a major source of litter and inconsistent with the mandate of building a healthy British Columbia.

Basically, anti-smoking advocates estimate smoking has no place in areas where people gather—especially children—as it compromises public health and safety.

These points, cleverly combined with pictures of smokers in varying stages of decline, have become commonplace, so there’s not much fuss when another ban comes into effect.

But, as city councillors pointed out when they were mulling over the bylaw, it’s not that long ago that the tables were turned and everywhere from airplanes to emergency rooms were fitted with ashtrays.

Coun. Luke Stack recalled a time when a hospital board that proposing prohibiting smoking, sparked a backlash. “People seemed aghast,” he said, of the idea that someone wanted to clear the haze from those spaces.

The lack of outcry this time around goes to show, regulation in the area of public smoking is

something Canadians are becoming increasingly comfortable with.

—Kathy Michaels

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