



# News Release

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## **NO COURT APPEAL PLANNED FOR WESTCOAST VACATIONS CASE ON SALT SPRING ISLAND**

**SALT SPRING ISLAND** — At its regular business meeting yesterday, the Salt Spring Island Local Trust Committee announced it would not appeal a decision of the BC Supreme Court in a case launched last term against Westcoast Vacations Inc. -- an agent for short term vacation rentals (STVRs) on Salt Spring Island.

In late October, the Supreme Court of British Columbia released its reasons for not supporting an injunction that would have restrained Westcoast Vacations Inc. from using or facilitating the use of residential homes for STVRs on Salt Spring Island. The unsuccessful legal action focused on the activities of the vacation rental agent, rather than on individual property owners. While noting that STVRs are not a legal land use in Salt Spring Island's residential areas, the Honourable Mr. Justice Leask found that the activities of Westcoast Vacations did not, on their own, constitute a breach of the bylaw. The local trust committee had until November 28, 2012 to give notice of its intent to appeal.

"I think our decision not to appeal is correct," said Peter Grove, a Salt Spring Island trustee. "While it is the duty of the local trust committee to uphold the official community plan and the land use bylaws, and to enforce the law as may be necessary and appropriate, I believe that launching the lawsuit in this case was heavy handed."

"I believe it's right to accept the judgment of the court," said George Grams, the other local Salt Spring Island trustee. "Continuing this action serves neither the interest of the community nor the local trust committee."

The local zoning bylaw that prohibits STVRs remains in place. The local trust committee has asked bylaw enforcement staff to suggest other options for enforcing it.

Salt Spring Island's long-standing Official Community Plan policies and zoning regulations prohibit STVRs - the use of private homes in rural and residential zones for commercial guest accommodation. The prohibition does not affect legal bed and breakfasts in residential zones, or legal resorts, hotels and motels in commercial zones, all of which are widely available on the island. People may also continue to rent portions of cottages as part of a bed and breakfast operation in most zones and to rent their residential properties for periods longer than 30 days to a tenant for residential use.

The Islands Trust is a federation of local government bodies that plan land use and regulate development in the trust area. The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5200 square kilometres.

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